

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING SEPTEMBER 17, 2012**

CALL TO ORDER: 7:30 P.M.

President Kevin Corcoran: I call to order the Monday, September 17, 2012 regular Council meeting. Please rise for the invocation and Pledge of Allegiance.

INVOCATION: led by President Corcoran.

PLEDGE OF ALLEGIANCE: led by Cub Scout Pack 100.

ROLL CALL:

Present were Council Members Nancy Buescher, Dennis Boose, Richard Jaenke, Robert Olesen, President Pro-Tem Bernadine Butkowski and President Kevin Corcoran.

Roseanne Johnson was absent.

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

MINUTES - Corrections (if any) and Approval:

President Corcoran: You have before you the minutes of the Committee of the Whole meeting held September 4, 2012. Are there any corrections or objections to approving those minutes? Seeing none, those minutes are approved.

You also have before you the minutes of the regular Council meeting held September 4, 2012. Are there any corrections or objections to approving those minutes? Seeing none, those minutes are approved.

You also have before you the minutes of the special Council meeting held September 7, 2012. Are there any corrections or objections to approving those minutes? Seeing none, those minutes are approved.

President Corcoran: Please note the Workers Comp Safety Committee minutes of July 26, 2012; Workers Comp Safety Committee minutes of August 23, 2012; Finance Committee minutes of September 7, 2012; Planning Commission minutes of September 11, 2012.

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. Please try to limit it to City business. With that being said, the lobby session is open and anybody who wishes to address Council, please approach the podium.

Hazel Sferry – 33025 Hidden Hollow: addressed her belief of the potential for accidents and injury regarding bowhunting and cited statistics. Mrs. Sferry thanked the Mrs. Buescher, Mr. Boose and Mrs. Johnson for keeping things by the book.

David Solomon – 5868 Joanne Court: stated he is for the hunting issue and rebutted to Mrs. Sferry's statistics regarding tracking and accidents.

Pete Banks – 7806 Baumhart Road, Amherst, Ohio 44001 with Farmers and Hunters Feeding the Hungry (FHFH): stated 79 deer were processed that were donated to the Chapter. The meat was ground up and donated to the Second Harvest Food Bank. Carcasses can be donated to the processor at no cost. Mr. Banks stated this is a great program.

Santiago Rivera – 4426 Camden Ave., Lorain, Ohio 44055: stated he is a hunting instructor and the injury risk involved with bowhunting is relatively low.

Rose Rivera – 4426 Camden Ave., Lorain, Ohio 44055: stated she has hunted since she was eight years old and has never been hurt by hunting. Mrs. Rivera stated the risk of injury involved with hunting is low if one follows the rules and regulations.

Don Hawk – 5122 Stoney Ridge Rd.: stated no one is taking into consideration the interbreeding of deer. Mr. Hawk further stated deer hunting will tone down the population which will decrease deer/car accidents.

President Corcoran: Anybody else? Moving on to the Administrators reports. Mr. Mayor, you are up.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you Mr. President. I have three Ordinances I would like to suspend By-laws to introduce this evening. The Law Director will speak to two of them and one of them is on behalf of the Fire Chief. The first one is an Ordinance amending North Ridgeville Codified Section 880.06 to alter the filing deadlines for annual commercial informational returns. Mr. Smith, would you give us a T number for this please.

Clerk of Council Smith: Mr. Mayor that would be T number 96.

Mayor Gillock: T 96 and Mr. President, if you would, I would ask that the Law Director explain this please?

Law Director Crites: Thank you Mr. Mayor. I will speak in general terms because what I will say concerns both this Ordinance and the one to follow it that I will allow the Mayor to introduce separately which is titled: An Ordinance amending Ordinance number 4106-2005 to confirm the amount of credit for taxes paid to another municipality. As I am sure Council is aware and maybe most of you in the audience, Council has authorized the City to go forward and move towards a Regional Council of Governments, specifically their agency, R.I.T.A., for our tax collection purposes to approve the efficiency of the same – to keep the City running. In doing so, R.I.T.A., who has done this with a lot of Cities, goes through our codified Ordinances related to taxation to see if there is anything in there that needs to be tweaked, updated, etc. to which they found are on Council's desk this evening. The first being a necessary change in the date in which commercial enterprise a deadline in which they have to file their withholding informational returns so they can be coordinated with what they actually file or what the actual employees do. The other is to amend a 2005 Ordinance which purported to modify the credit for taxes as awarded to all residents of the municipality which did not modify. R.I.T.A. looked at that and said it has ambiguous language, let's clean it up, not because it is going to change the effect, but because we take in mind what R.I.T.A. does. They collect taxes and so they are very schooled in the arguments that are raised by those who don't. They anticipate the fact that while they are doing the City's work, they wanted to make sure it was a tight Code and so we are going to be modifying that as well. I would advise Council and the Mayor and Safety-Service Director, there are probably going to be more between now and the end of the year as we move forward. I would ask that these both be passed with the emergency for the health, safety and welfare of the residents and as much as all those are to be served by the fact that we actually collect our taxes next year.

President Corcoran: January 1st is when the tax law changes, so do they need the emergency?

Law Director Crites: Yes, although the actual effect...there is two different effects. You want the Ordinance to be effective immediately. The import of the Ordinance may, your accountant will tell you, wouldn't be effective until the end of the year.

Auditor Costin: I think what is important is that R.I.T.A. is also in the process of updating all their tax returns and publications. As opposed to having the wrong information and having to change it later, we are best advised to give them the corrected information so it conforms.

Councilman Boose: Mr. President, this refers to both Ordinances that the Law Director reference: it would be nice if there are more of these coming if we can get prior notice than just seeing it on our desk when we show up tonight because there are some things that, for example, this one here, I don't have an issue with because it is just changing a date, but the other one references some other things that I do not have access to now to go back and check that out. Many times when you change one thing it may affect another part of our codified ordinances. So

this is going to be something coming down the road, I would appreciate more than just a few minutes before the meeting to take a look at it if I could. Thank you.

Mayor Gillock: Thank you and we can do that. I've been out for a couple of weeks, so these kind of popped up here at the last minute. Mr. Smith, would I be correct in assuming that the second Ordinance is T 97?

President Corcoran: Just so you are aware, we didn't actually take any votes to put 96...

Mayor Gillock: I know. I just wanted to get a T number first.

Clerk of Council Smith: You are correct Mr. Mayor. The next one will be T 97.

Mayor Gillock moved to give T 96 and T 97 a first reading this evening under the suspension of the By-laws.

Councilman Boose: May I ask a point of order which is T 97?

President Corcoran: That would be the other R.I.T.A. Ordinance which starts off with "an Ordinance amending Ordinance number 4106-2005."

Councilman Boose: Thank you.

Councilwoman Butkowski: Mr. Chairman? I notice some of the microphones aren't down and there has been some problem with the volume, so maybe everybody should make sure they have their microphones down so that people out in the audience and TV can hear us.

President Corcoran: For the people in the audience, just so you are not feeling like you have to stay – you won't offend us if you decide that you have to leave and take the kids home so they can get to bed at a regular time.

Mayor Gillock: So I have a motion on the floor.

President Corcoran: You do and we need a second.

Mayor Gillock moved to give T 96 and T 97 a first reading this evening under the suspension of the By-laws. The motion was seconded by Councilwoman Butkowski.

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

Yes-6

No-0

President Corcoran: T 96 and 97 are now added to the first readings.

Mayor Gillock: Continuing on...I have an additional Ordinance at the request of the Fire Chief, that would be T 98 correct Mr. Smith?

Clerk of Council Smith: Is that the personal property sale?

Mayor Gillock: Yes.

Clerk of Council Smith: That would be T 98. You are correct.

Mayor Gillock: This is an Ordinance approving the sale of certain personal property owned by the City of North Ridgeville. We have an old 1997 medium duty ambulance that is no longer in serviceable condition. It has been replaced by a new paramedic ambulance. It does have a value of more than \$1,000 so we do have to go to Council to dispose of this. We would like to put it on Govdeal.com, an internet auction website that we have had great success with. We would like to put this one on their also.

Mayor Gillock moved to suspend the By-laws and give T 98 a first reading this evening.
The motion was seconded by Councilwoman Buescher.

President Corcoran: Any comments or questions?

Councilwoman Buescher: I just wanted to say Mr. President; the Fire Chief asked that this be passed this evening with the emergency.

President Corcoran: Any other comments? All those in favor say yes. Those opposed say no.
Yes-6 No-0

Mayor Gillock: Finally, I wanted to thank everyone for their condolences on the recent passing of my father George W. Gillock. I am truly humbled by the cards, flowers, baskets and emails and so forth that my family received. For those that didn't know, I am George D. Gillock. I go by David, but I am also George. There is about five of us actually. Dad would have been 90 in December and I was home to see him just a month ago and before his recent passing his health has been rapidly failing. Your care, concern and support are truly appreciated by my entire family. Thank you and that concludes my report.

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

B. Safety-Service Director:

Safety-Service Director Armbruster: This evening I placed a yellow T 67 on your desk when we get to it in the third reading. That is the document here that we will hopefully amend by substitution and I'll be able to explain amendments. There is also an attachment to that. If there are any questions, I'll be more than happy to answer them. Also, today and actually I went down Bainbridge Road and there were several people attempting to go left on Bainbridge which is

meaning going the opposite direction of the way you can go because it is barricaded off. Let's all recognize that we can't all squeeze into a one lane road coming at us. It is closed eastbound. You can't go west in the eastbound lane. Let's follow the rules and be safe. There are a substantial number of signs and I'm sure the Engineer is going to talk about that just specifically that – follow the rules and let's not have any collisions for people that are not following the rules and following the signs. Thank you and that completes my report.

President Corcoran: Mr. Engineer.

C. Engineer:

Engineer Wangler: Today was the first day, I believe, where we had that down to one lane on that road there. It is one way away from Lear Nagle in both directions. From Lear Nagle east towards North Olmstead it is one way and west toward Bainbridge it is one way. It is going to remain that way for the whole duration of the project, even when they switch to do the other half. They are still going to maintain that same direction. If weather permits that should be sixty days. That concludes my report.

President Corcoran: Mr. Auditor.

D. Auditor:

Auditor Costin: Thank you Mr. President. The only item on the agenda for the Auditor today is the financial report for August which Council should have received. No further comments. Thank you.

E. Other Reports:

President Corcoran: Other reports: June & July 2012 Mayor's Court Reports; August 2012 Fire Department Report; July and August 2012 Water Reports; and August 2012 Support Car Report.

COUNCIL COMMITTEE REPORTS:

Clerk of Council Smith: FINANCE COMMITTEE REPORT dated September 7, 2012 which recommends City Council adopt the recommendations submitted in regard to T 84-2012.

Councilman Boose moved to accept the report. The motion was seconded by Councilwoman Butkowski.

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

Yes-6

No-0

CORRESPONDENCE:

OLD BUSINESS:

NEW BUSINESS:

Clerk of Council Smith: Report of Tax Abatement Review Board meeting held August 27, 2012 regarding the approval of a CRA Class 2 abatement for MVM Real Property Holdings, LLC (Norlake Manufacturing).

Councilwoman Butkowski moved to accept the Tax Abatement Review Board report.
The motion was seconded by Councilman Olesen.

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

Yes-6

No-0

Clerk of Council Smith: A request for a D5 liquor permit from the Ohio Division of Liquor Control for 900183, LLC, 9001 Avon Belden Road, North Ridgeville, OH.

Councilman Olesen moved to not request a hearing as stated in the application so this permit can be sent to the state for final disposition by October 9. The motion was seconded by Councilwoman Butkowski.

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

Yes-6

No-0

Ordinance and Resolution Submittals

Clerk of Council Smith:

T 93-2012 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NOS. 4905-2012, 4920-2012 AND 4946-2012 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2012 AND ENDING DECEMBER 31, 2012.

Clerk of Council Smith:

T 94-2012 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 THE RENTAL OF UNIFORMS AND FLOOR MATS IN AN AMOUNT NOT TO EXCEED \$125,000.00 OVER A 5-YEAR PERIOD.

Councilman Boose: Mr. Chairman? Can we go back to; I apologize, to T 93?

President Corcoran: Sure.

Councilman Boose: This really needs to be passed because these are the appropriations that are needed for a lot of legislation that we already have discussed and we are going to perhaps vote on later on this evening.

Councilman Boose moved to suspend By-laws to allow a first reading for T 93. The motion was seconded by Councilwoman Buescher.

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

Yes-6 No-0

Mayor Gillock moved to suspend By-laws to give T 94 a first reading this evening. The motion was seconded by Councilwoman Butkowski.

President Corcoran: Any comments or questions?

Mayor Gillock: Mr. President, we need to get this passed this evening if we could. We don't have to have the emergency clause because we have to do the specs, but we need to get out and get bids for this so we can get it into this year's appropriations.

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

Yes-6 No-0

Clerk of Council Smith:

T 95-2012 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR THE CORNELL AVENUE PHASE 1 WATER MAIN REPLACEMENT PROJECT AND OTHER APPURTENANCES, NOT TO EXCEED \$380,000.00.

Mayor Gillock moved to give T 95 a first reading this evening in order to get bids and get started before construction season is over. The motion was seconded by Councilman Boose.

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

Yes-6 No-0

RECESS:

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

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

Yes-6 No-0

FIRST READINGS:

T 75-2012
Revised

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

Councilman Olesen moved to amend T 75 by substitution as revised by Committee. The motion was seconded by Councilwoman Butkowski.

Yes-6 No-0

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.

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

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.

President Corcoran: T 83.

Clerk of Council Smith:

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

President Corcoran: T 89.

Clerk of Council Smith:

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.

President Corcoran: T 96.

Clerk of Council Smith:

T 96-2012 AN ORDINANCE AMENDING N.R.C.O. SECTION 880.06 TO ALTER FILING

4955-2012 DEADLINES FOR ANNUAL COMMERCIAL INFORMATIONAL RETURNS.

Mayor Gillock moved to dispense with the second and third reading. The motion was seconded by Councilman Olesen.

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

Yes-6

No-0

Councilman Olesen moved to adopt T 96. The motion was seconded by Councilwoman Butkowski.

Councilman Olesen moved to add the emergency to T 96 to meet timing deadlines. The motion was seconded by Councilwoman Butkowski.

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

Yes-6

No-0

Councilman Boose: I don't know who to direct this to – the Law Director or whoever, so what we are being told is that there are no other references within our codified ordinances that relate to this January 31st filing date we also need to change here?

Law Director Crites: I wouldn't say that. This is a very specific deadline that we tell all the business that – I don't think this is one that would have a lot of cross reference throughout the code, but as I mentioned earlier, this is the beginning of a process that we are going to be with R.I.T.A. R.I.T.A. is going to be doing the heavy lifting; going through our code and finding any inconsistencies. This is just the first we have found. This just started.

Councilman Boose: And the reason this has to be passed tonight and not the next meeting is...

Law Director Crites: Efficiency. Get it in the code and make sure it is published that way. Get things up and running. We are running a very tight schedule to get our tax collections up and ready for next year.

Councilman Boose: And all the other things that we are going to change later don't need to be passed tonight because...

Law Director Crites: We don't know of them yet. There may be none.

Councilman Boose: Thank you.

President Corcoran: Any other comments?

Councilman Boose: Mr. President, just a comment. Without knowing that these don't reference something else, I can't be in favor of passing T 96 this evening. Thank you.

President Corcoran: Thank you Mr. Boose. Any other comments? Clerk, please call the roll.

Yes-4

No-2 (Buescher, Boose)

Clerk of Council Smith: Two no's and four yes's. It becomes Ordinance number 4955-2012
Permanent Ordinance number 4955-2012

President Corcoran: T 97.

Clerk of Council Smith:

T 97-2012 AN ORDINANCE AMENDING ORDINANCE NO. 4106 -2005 TO CONFIRM
4956-2012 THE AMOUNT OF CREDIT FOR TAXES PAID TO ANOTHER
 MUNICIPALITY.

Mayor Gillock moved to dispense with the second and third readings. The motion was seconded by Councilman Olesen.

President Corcoran: Any comments or questions?

Auditor Costin: I can probably explain this one adequately. A few years ago, the City attempted to increase its City income tax rate which required a vote of the people. The Ordinance was passed to allow us to put that on the ballot. There was a sister Ordinance that was passed that said if that income tax went into effect at that higher rate then we would increase the credit. Unfortunately the language of the credit was ambiguous. When R.I.T.A. reviewed our Ordinances again, a question came up as to what our credit really is. Is it 10% of 1% or was it suppose to be I believe 15% which was contingent on that levy passing. Again, to avoid any potential questions or issues, they asked us to clarify that which is what the Law Director has done in this Ordinance. I believe that it is very critical that we pass this Ordinance to confirm the fact that the City did never intend to increase its credit without the increase in the voted City income tax.

President Corcoran: Thank you Mr. Auditor.

Councilman Boose: Mr. President, so is this referencing Section 4 of Ordinance 4106-2005 or Section 4 of our codified Ordinances?

Law Director Crites: I can speak to that. The language in this Ordinance falling under Section 1 is a revision of the language in Section 4 of 4106. 4106 basically said when the voters vote to increase your City income tax rate from 1% to 1.5%, which they didn't, then the tax credit will also go up, but it was written poorly. When R.I.T.A. looked at it they said you have to clean it up and then go forward.

Councilman Boose: So this then is changing that Ordinance, not the codified Ordinance – not what is in our...

Law Director Crites: It was never codified.

Auditor Costin: Actually, it was. I believe that is how they found it. I think the codified Ordinances were more ambiguous than the original Ordinance which was still ambiguous.

Councilman Boose: Right so my point - wouldn't we be asked to change codified ordinance 681.42 versus an Ordinance.

Law Director Crites: I was thinking along those lines.

Councilman Boose: But that is not what this is.

Law Director Crites: The legal effect of the failure of the election to raise our general income tax rate caused the credit not to go up and so it never changed in our codified Ordinances where you open the book and say what is our tax credit it still said 10%. This Ordinance still floated out there that popped up when R.I.T.A. was going through. That was enough cause for concern that they asked me to go ahead and clarify that. So it says clearly that this credit will not be raised unless the general tax increase is ratified by the voters which it wasn't. The only thing that is being done here is an old Ordinance which never took effect is having clarifying language added to it to make sure that the whole world understands. As I said, when R.I.T.A. goes after somebody; there are people who don't pay their taxes and sometimes people that don't pay their taxes come up with real creative defenses to why they don't pay their taxes. This is to tighten the fortress walls.

Mayor Gillock: Mr. President, as our Auditor does, they not only look at our codified Ordinances, they look at these Ordinances and they want to make sure they coincide so we don't have a conflict of what was passed and what the codified Ordinance actually says. This was never codified per se, but 4106 was still passed. 4106 was ambiguous. They want us to clarify 4106 so that will match what is in the book and be clear about it.

Councilman Boose: Mr. President, it would have been good to have a copy of the former Ordinance so we can see how changing this affects the rest of the Ordinance that wasn't whatever.

Law Director Crites: Time really didn't permit.

Councilman Boose: Right. Thank you.

President Corcoran: Any other comments?

Councilman Boose: Mr. President, my only point again is that when you change one part of something without looking at it, you don't know – without myself looking at it, I don't know how it may affect another part of the legislation or the Ordinance. Not having that opportunity, I have difficulty in approving something that I haven't been able to research.

Law Director Crites: A completely understandable point that I empathize with and unfortunately time didn't allow it, but please understand, in this Ordinance, nothing is being changed. There is no law, no legal effect being changed. This is clarifying language tightening up what was there. On the other one I understand what you are saying because you can see how that can have a ripple effect on the rest of the code possibly with the withholding deadlines. This one there is no law being changed; just clarifying an old Ordinance.

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

Yes-6 No-0

Councilman Olesen moved to adopt T 97. The motion was seconded by Councilwoman Butkowski.

Councilman Olesen moved to add the emergency clause to get the process under way. The motion was seconded by Councilwoman Butkowski.

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

Yes-6 No-0

President Corcoran: It was moved by Olesen and seconded by Butkowski to adopt T 97 with the emergency clause. Clerk, please call the roll.

Yes-6 No-1 (Boose)

Clerk of Council Smith: It becomes 4956.
Permanent Ordinance number 4956-2012

President Corcoran: T 98.

Clerk of Council Smith:

T 98-2012 AN ORDINANCE APPROVING THE SALE OF CERTAIN PERSONAL
4957-2012 PROPERTY OWNED BY THE CITY OF NORTH RIDGEVILLE PURSUANT
 TO O.R.C. SECTION 721.25.

Councilman Boose moved to dispense with the second and third readings this evening. The motion was seconded by Councilwoman Buescher.

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

Yes-6 No-0

Councilman Boose moved to adopt T 98. The motion was seconded by Councilwoman Buescher.

Councilman Boose moved to add the emergency clause to take advantage of favorable sales opportunities. The motion was seconded by Councilwoman Buescher.

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

Yes-6

No-0

President Corcoran: It was moved by Boose and seconded by Buescher to adopt T 98 with the emergency clause. Are there any comments or questions? Clerk, please call the roll.

Yes-6

No-0

Permanent Ordinance number 4957-2012

T 93-2012 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NOS.
4958-2012 4905-2012, 4920-2012 AND 4946-2012 FOR THE CITY OF NORTH
 RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2012
 AND ENDING DECEMBER 31, 2012.

Councilman Boose moved to dispense with the second and third readings this evening.
The motion was seconded by Councilwoman Buescher.

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

Yes-6

No-0

Councilman Boose moved to adopt T 93. The motion was seconded by Councilwoman Buescher.

Councilman Boose moved to add the emergency clause due to timing issues. The motion was seconded by Councilwoman Buescher.

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

Yes-6

No-0

President Corcoran: It was moved by Boose and seconded by Buescher to adopt T 93 with the emergency clause. Are there any comments or questions? Clerk, call the roll.

Yes-6

No-0

Clerk of Council Smith: It becomes 4958.
Permanent Ordinance number 4958-2012

President Corcoran: T 94.

Clerk of Council Smith:

T 94-2012 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
4959-2012 AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER
 PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE
 RENTAL OF UNIFORMS AND FLOOR MATS IN AN AMOUNT NOT TO EXCEED
 \$125,000.00 OVER A 5-YEAR PERIOD.

Councilman Olesen moved to dispense with the second and third readings this evening.
The motion was seconded by Councilwoman Butkowski.

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

Yes-6 No-0

Councilman Olesen moved to adopt T 94. The motion was seconded by Councilwoman Butkowski.

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

Yes-6 No-0

Clerk of Council Smith: It becomes 4959.
Permanent Ordinance number 4959-2012

President Corcoran: T 95.

T 95-2012 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
4960-2012 AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER
 PRESCRIBED BY LAW FOR THE CORNELL AVENUE PHASE 1 WATER MAIN
 REPLACEMENT PROJECT AND OTHER APPURTENANCES, NOT TO EXCEED
 \$380,000.00.

Councilman Boose moved to dispense with the second and third readings this evening.
The motion was seconded by Councilwoman Buescher.

President Corcoran: Are there any comments or questions?

Auditor Costin: Yes, for the record, the original appropriations passed by the City in March allowed \$287,900 for this project. The current amended appropriations that was passed this evening adds another \$92,100 which will be necessary to satisfy the bids on this contract.

President Corcoran: So it was moved and seconded to dispense with the second and third readings for T 95. All those in favor say yes. Those opposed say no.

Yes-6 No-0

Councilman Boose moved to adopt T 95. The motion was seconded by Councilwoman Buescher.

Councilman Boose moved to add the emergency clause due to timing issues to get the project started before the weather breaks. The motion was seconded by Councilwoman Buescher.

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

Yes-6

No-0

President Corcoran: It was moved by Boose and seconded by Buescher to adopt T 95 with the emergency clause. Are there any comments or questions?

Councilman Boose: Mr. President, just to remind Council that in appropriations, we talked about a lot of infrastructure needs that the City has and one of the major infrastructure needs the City has is replacement of water mains. It was determined by the Administration and the Street Department Superintendent that Cornell Avenue takes top priority based upon a number of issues and based upon the number of breaks, the number of homes it services and this will hopefully solve a lot of issues they have on that street. There are many other streets we need to deal with and hopefully their time will come soon. It is a very important project. Thank you.

President Corcoran: Clerk, call the roll.

Yes-6

No-0

Clerk of Council Smith: It becomes 4960.

Permanent Ordinance number 4960-2012

President Corcoran: That was the end of the first readings.

SECOND READINGS:

President Corcoran: There are no second readings. We are up to third readings. We have T 67.

THIRD READINGS:

Clerk of Council Smith:

T 67-2012 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
Amended by RIDGEVILLE, OHIO, TO ENTER INTO A 60 MONTH AGREEMENT FOR
Substitution HIGH SPEED INTERNET AND DATA SERVICES FOR SIX CITY OWNED
BUILDINGS 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,
NOT TO EXCEED A \$5,000.00 ONE-TIME FEE FOR INSTALLATION AND
CONSTRUCTION, AND NOT TO EXCEED \$48,000.00 ANNUALLY FOR
INTERNET AND DATA SERVICES.

President Corcoran moved to amend by substitution the Ordinance. If you remember, the Safety-Service Director passed out an amendment. The motion, without getting into long wind is just to amend T 67 with the Ordinance in front of us that has been amended. The motion was seconded by Councilman Boose.

President Corcoran: So it was moved by the Chair and seconded by Boose to amend by substitution T 67 – the substitution includes eliminating the words “a 60-month” and putting in “an” so it will say “entering into an agreement;” and then everything after the word “law” will be stricken in the title. Then down below in Section 1, we are going to say “the Mayor is hereby authorized to enter into a contract;” everything after bidder will be stricken. Is that clear for everybody? So it was moved by the Chair and seconded by Boose to amend T 67 by substitution with that language we just went over. Any comments or questions? All those in favor say yes. Those opposed say no.

Yes-6

No-0

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

President Corcoran: Any comments or questions?

Councilman Boose: Mr. President, Safety-Service Director and myself and the Auditor’s Department had conversations for some weeks on this and I appreciate the changes, but this doesn’t have any dollar amounts to it now at all. Is there some way we can put a dollar amount? I don’t like to not give somebody the authority to, not that they would spend whatever, but spend whatever. That is one of the problems we have had with this ordinance.

Auditor Costin: Here is the conundrum that we have; it will be a multi-year agreement I understand when speaking with management. It represents a utility. There will be increases from time to time. What we discussed today is what happens when we get to year number four or five and because of typical rate increases; we get to December we are \$42,050 we have to turn off our services. It was better thought to try to enter into the agreement as a typical service agreement, utilities service agreement and eliminate that inhibiting language. I believe that we already have essentially that agreement - \$42,000. I’d have to defer to the SSD, but that was my understanding discussing that today. The contract will require \$5,000 this year which is in the appropriations Ordinance that we amended. However, there will be nothing appropriated for the annual cost because those won’t take effect until next year and they will be a part of our appropriation process. It is my understanding also, and I should advise Council, that we are anticipating an additional increase that approximates perhaps up to \$14,000 a year for these total services. That was the last information we received this afternoon. I believe also, did you not pass along a worksheet that had a comparison? We are apparently going to have faster, upgraded services that will be an additional cost and that was the missing information that we didn’t know the introductory, first and second readings up until tonight. We do know there will be an additional cost. We don’t know exactly what it will be but it may approximate \$14,000 per year. That was the intent of why the dollar amounts were actually withdrawn from the Ordinance.

Councilman Boose: Mr. President, are we looking for a one year contract, two year, three year?

Auditor Costin: I have to defer to the SSD.

Safety-Service Director Armbruster: The numbers that we have today is through a five year agreement and solidifying that so that this City Council and future City Council's would be able to see just exactly where they are financially. When you really get down into if you add a service, Council is going to appropriate the money to be spent anyway. So we have to stay within that agreement. We will see this every March for the next five years. In our discussions that took place down in the Auditor's office and as to whether there should be or should not be a number, I defer to the fact that it was a utility and deferred that and left it the way it is, with no numbers in it.

Auditor Costin: I'm unclear why the sixty month was deleted because it probably was pretty important that Council passes a sixty month agreement, so I defer to the Law Director. Otherwise, I am not sure that it would constitute an agreement from Council to Council. We addressed the dollar amount. I was unaware that the duration was going to be eliminated.

Law Director Crites: I'm not sure what you are asking. I have not been involved with this but...

Auditor Costin: If there is a contract that the Mayor is authorized to enter into for a duration longer than a year; should it not be delineated?

Mayor Gillock: Otherwise future Council's do something different.

Law Director Crites: Appropriations is the element governing that but at the same time, if you look at the Ohio Revised Code, the ultimate measuring stick is the amount. It is a renewing year to year situation.

Councilwoman Butkowski: Mr. Auditor, would this \$14,000 be fixed for the sixty months or will it be negotiable each year?

Auditor Costin: Mr. Chair, the \$14,000 is the increase in total costs of the utilities. This is in part replacing our current phone system. We are also adding a faster system and voice over IP protocols. Accordingly if we compare today's total cost with next year's total cost, the grand total is going to approximate \$14,000 higher than this year. I can't tell you what the exact cost is but it is apparently somewhere around \$42,000.

Mayor Gillock: Mr. President, if you remember at appropriations we talked about an amount for the phone service and I don't remember that dollar amount – a \$42,000 amount for the fiber optics. What our IT Supervisor has told me is that where this is going up the phone side has gone down and we would still be within that total dollar amount for the two services. I think from that standpoint dollar wise we are okay within the appropriations. I agree with Mr. Costin that in changing this and reworking it we should still leave that sixty month control in there because it is a five year contract. I don't know how we do that at this point. I think maybe the wisest thing to do actually is to postpone this for one more Council meeting and get it

straightened out and do it right. I wasn't here when this was being worked on and I know it was being worked on today. I know we want to go to bid and get this done.

Safety-Service Director Armbruster: May I comment Mr. President? The reason we got the prices at \$42,000 is through a sixty month contract. I can certainly understand why sixty months should be in there because the Mayor is going to be asked to enter into a contract for sixty months. We cannot even come close to getting any service at this price if we have a one year contract.

Law Director Crites: May I? If this truly is a service of public utilities it is exempt from public bidding anyway. We are just looking for Council ratification for the expenditure. In my opinion, the only thing you want to add to the Ordinance is an annual ceiling in the contract that could be expended. It doesn't have to be bid.

Mayor Gillock: Limit it to \$50,000.

Law Director Crites: Doesn't this kind of point towards the Mayor's point – maybe we should take a look at it again and bring it back in two weeks. Are we going to lose the deal Mr. Safety-Service Director?

Safety-Service Director Armbruster: The only thing we are going to lose is the opportunity to get started on the project and get the process going. Two more weeks isn't going to kill this deal I don't believe.

Councilman Boose: Mr. President, the last thing I want to do is kill the deal because as we have been going through this meeting my Ipad has gone down four times and so we need that service so I don't have to bring paper to the meeting anymore.

Safety-Service Director Armbruster: It would be going against the Mayor, but I'd love to see it go tonight but if we have to wait two weeks, then I guess I have to live with the consequences.

President Corcoran: I believe when our IT Supervisor was here the last time, he said that this wouldn't go into effect until January at the earliest anyway. I don't think two weeks is going to make any difference.

Mayor Gillock: That is for the turn on date. They need to do some work and still need to get ready and all that.

Law Director Crites: The motion would be not to table it but to postpone it to the next meeting.

Mayor Gillock moved to postpone T 67 to the next meeting. The motion was seconded by Councilman Boose.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
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President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.

Yes-6

No-0

President Corcoran: That is the end of our third readings. That brings us to our last bit of information.

MEETING ANNOUNCEMENTS:

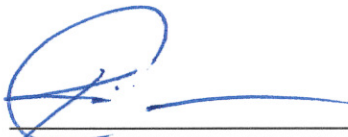
President Corcoran: The next regular Council meeting will be held on Monday, October 1, 2012 at 7:30 P.M. here in Council Chambers. Don't forget to drive the correct way on Chestnut Ridge. Seeing nothing else to bring before Council this evening. The meeting is adjourned.

ADJOURNMENT:

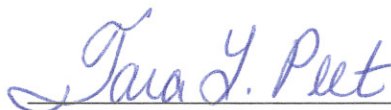
The meeting was adjourned at 8:46 P.M.

Approval of minutes:

These minutes were approved at the regular meeting of the North Ridgeville Municipal Council on October 1, 2012.



PRESIDENT KEVIN CORCORAN



ACTING CLERK OF COUNCIL TARA L. PEET