

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING SEPTEMBER 8, 2009**

CALL TO ORDER: 7:30 P.M.

President Bernadine Butkowski: I call to order the North Ridgeville City Council Meeting of September 8, 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, Richard Jaenke, Bob Olesen, Kevin Corcoran, Ray McLaughlin and President Bernadine Butkowski.

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 July 20, 2009.
moved by Corcoran, seconded by McLaughlin to approve

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

Yes, 7 No, 0

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

President Butkowski: Council Minutes of special meeting held August 31, 2009.
moved by Corcoran, seconded by McLaughlin to approve

President Butkowski: The correction is the date. The date on there is June 25, 2009 and it should be August 31, 2009. Are there any other corrections? Clerk, please call the roll on the minutes as corrected.

Yes, 6 No, 0 Abstain, 1 (Buescher)

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

President Butkowski: Please note:

Parks & Recreation Commission Minutes of regular meeting June 24, 2009 and July 22, 2009;
Board of Zoning and Building Appeals Minutes of regular meeting July 23, 2009 and
August 27, 2009;

Planning Commission Minutes of regular meeting August 11, 2009 and September 1, 2009; and
Civil Service Commission Minutes of regular meeting August 18, 2009.

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 who would like to speak tonight?

1) Paul Papes of 5240 North Lear Nagle Road spoke regarding the occurrence of numerous traffic violations on north Lear Nagle Road and asked to be answered on his complaint.

2) Chuck Cluley of 7177 Songbird Lane explained that he is on the Sandy Ridge Subdivision Homeowner's Association Board. He spoke in reference to the maintenance of the retention pond in their subdivision and asked that Council get involved in contacting Mr. Yost to take care of this maintenance problem.

President Butkowski: Thank you. We'll turn that over to the proper person to get it taken care of.

3) Sam Martin of 7185 Songbird Lane, Sandy Ridge Subdivision spoke regarding the retention pond and his concern as to whether or not it is capable of holding the amount of water due to the construction of the new nursing facility. He asked that there be some action against Mr. Yost because something has to be done now.

President Butkowski: Thank you for bringing it up and we will turn it over to the Engineering Department to review that.

Council Member Corcoran: You said no interaction, right?

President Butkowski: Right.

Council Member Corcoran: Okay, just making sure.

Council Member Buescher: Madam President, could we just have the question answered as to who is responsible for maintaining these ponds? Is it the builder or is it the residents themselves? Can we ask the Law Director?

Law Director Crites: I am going to ask Engineer Griffith to chime in, but typically, this is a situation which you contracted for that maintenance when they joined into that development and to that Homeowner's Association. Having not seen the subdivision agreement, I can't say specifically, but unless that is a dedicated public improvement, which it is not, then it is not the City's responsibility to maintain that. The City would have a right, if there is a problem, under our ordinances; as well as state law, that if there was a problem that created a danger or eminent problem for people down stream, to go in and remedy that problem, but there is not an obligation on the City to maintain something that is not owned. You mentioned your tax dollars. This is what your Homeowner's Association dollars are suppose to be for. Again, I haven't seen your Homeowner's Association Agreement. Maybe, Mr. Griffith could add or disagree with anything that I said.

Engineer Griffith: I agree with what you are saying.

Law Director Crites: In short, this isn't a we-don't-care speech. Unless it is a problem that is going to affect the greater City and all residents, we are powerless to do anything about it. It is an action that you would have to bring against the Homeowner's Association or, if it is at the point where it hasn't gone to the Homeowner's Association, to the developer to enforce his obligation.

Mayor Gillock: I was just going to basically say what Andy has said. The Homeowner's Association is responsible for it, but, I don't know what stage of development you're in right now. Mr. Yost may actually be the Association. So, the problem is between you guys and him right now. What we are trying to do is get it cleaned up and that is why the letter went out that says these things need to be done. It is a civil issue right now between your board or you and your board. The other thing I wanted to mention on the issue of the retention from the new construction. Our Engineering Department does calculations and monitors that. There are calculations that have to be made regarding the run off of the area to that retention pond and Larry can speak to this. I believe the retention pond has to be constructed to hold all the water from a 100-year event for that whole area. So, they can't just say we are going to build new stuff and we'll dump into that retention pond over there. They have to meet calculations that the Engineering Department will confirm. Thank you.

Paul Papes: Are we open for general discussion?

President Butkowski: No, this is a meeting and this is the lobby section where one person comes up at a time. This is why there cannot be interacting at this meeting. We don't have any backup to answer.

Council Member Buescher: Madam President, after everyone has spoken, I believe Mr. Papes can speak again on a different subject.

President Butkowski: Yes he can, but I'm not sure if everyone has had their chance to speak. Is there anyone else that would want to speak? Sir, you can step up and give us your name and address.

4) Dale Gainor of 7221 Songbird Lane spoke regarding the retention pond in that subdivision and his concern relating to the odor this pond has when it rains. He explained that his other concern is the safety issue with all the parking on Fowlers Run due to the construction. He mentioned the concrete in his driveway is already starting to flake after three years. He explained that there is moisture in his home making them ill and asked that the building department address these issues and keep after the builders to make sure that they are putting the right materials in and looking out for the safety and well being of the residents.

President Butkowski: Thank you. If anyone has traffic problems, please call the police to enforce them.

Mayor Gillock: We'll look into the parking issue. We'll take care of that.

President Butkowski: Is there anyone else that would like to speak?

5) Gerald Wilhelm of 7229 Songbird Lane spoke regarding the retention pond stating that when he moved in, it was blue water and over the last three years, it has eroded. His concern is the terrible mess they will be left with someday.

6) Bob Slovak of 7145 Case Road addressed the lobby issue stating that he and Mrs. Sullivan tried to get it changed. He also addressed the issue of not being able to see addresses on the buildings down Center Ridge and asked if someone could look into it.

7) Paul Papes of 5240 north Lear Nagle spoke regarding the traffic violations on Lear north. He noted that he did not like the attitude of the Policeman he spoke with on Tuesday during his visit to the Police Station noting that the Policeman carries a badge and a gun and that he pays his salary.

President Butkowski: Okay, we don't need that information.

Paul Papes: Wait a minute, three minutes.

President Butkowski: I'm just asking you not to be derogatory.

Paul Papes: Derogatory? I'm being truthful. Derogatory might be your interpretation. I'm being truthful.

President Butkowski: Let's just continue with the basic things.

Paul Papes: Okay, give me my minutes back then.

President Butkowski: You'll have them.

Paul Papes: Anyway, north Lear Nagle is one of the three most traveled roads. Again, we are talking four years down the road and to have an attitude like that. You know what, I would start looking into maybe some of their benefits such as taking a car home, high gas mileage; they are taking these cars. I would say 90 percent of them aren't even in the City. How is that car helping anybody in the city of North Ridgeville when they are taken out of the City and most of them out of the area a long ways. So, I rest on that and I will be continuing my little campaign until I get some action. As far as the retention thing, the EPA takes care of that. So, feel free to contact them.

President Butkowski: Thank you. Is there anyone else that would like to speak tonight?

8) Marilyn Venka of 7213 Songbird Lane spoke regarding the retention pond and the EPA going out there testing several times and thought that there is something terribly wrong this situation. She noted that there is such a thing called grass carp fish that may be a solution to that problem. She also expressed her concern to the City dumping a great amount of salt at the intersection of Center Ridge and Fowlers Lane and wanted to make that known.

President Butkowski: Thank you very much and the Mayor will be looking into that one. Is there anyone else that would like to speak tonight?

9) Chuck Cluley of 7177 Songbird Lane read the letter from Mr. Griffith dated October 7, 2008 stating that it was the Homeowner's Association's responsibility for the maintenance of the storm quality of the retention pond. He explained that the developer is still in charge of the

retention pond and all the things that are listed as recommendations, he has done none of them except for the one time, during the Spring, he put copper sulfate in the water.

President Butkowski: Thank you. Is there anyone else that wants to speak tonight? Seeing none, we'll continue on to the Administrator's reports.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you, I want to welcome Council back after their vacation. As you can see by our agenda tonight, we have a lot going on and we have been busy in your absence. To keep things moving, that concludes my report for this evening.

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

B. Safety-Service Director:

Safety-Service Director Johnson: I had a nice report all set to go. It is sitting on my computer downstairs. So, I will have to wing it a little bit. I'll start by asking Council to consider passing many of the issues on today's busy agenda. Several of them have been on hold during the recess and the departments are chomping at the bit trying to get going on this stuff. If you have any questions on any of the issues, I will be happy to address it.

On another issue, Mr. Slovak kind of stole my thunder; I want to ask that people make sure that they have clearly visible address numbers on their houses. I would ask that you stand out at the street and look at your house. If you can't see your house numbers, then our safety forces can't see them either. Our Fire Department has a service that they provide and I'm sure everyone has seen these signs. They can make them horizontal or vertical however, you need them and they can screw onto your mailbox or, some people put them on trees. There is a lot of things you can do with them. These are clearly visible from well down the street and they help out a lot when the safety forces need to find your address. They can also get you a hotter pizza. That concludes my report.

Mayor Gillock: Madam President, you can get those at the number one Fire House and they are ten dollars a piece. Just stop in there, give them your street address, and they will make that up for you.

President Butkowski: You should also have those in housing developments too; not necessarily, just on Center Ridge or Lorain Road. When they are coming down the street, they might want to know even adjoining streets and which way to turn at the intersection.

Safety-Service Director Johnson: It not only helps you, it helps your neighbors also.

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

C. Engineer:

Engineer Griffith: Thank you Madam President. On August 12th, the Aluminum Association, the Can Manufacturers Institute (CMI) and the Institute of Scrap Recycling Industries (ISRI) announced that the 2008 used beverage container recycling rate reached 54.2 percent, the highest recycling rate of any beverage container.

Scrap recycling continues to play a vital role in local and global economies. It is hoped that the recycling rate will continue to increase.

A recycled can requires 95 percent less energy, generates 95 percent less emissions and creates 97 percent less water pollution than generating new metal. Therefore, purchasing beverages in aluminum cans and recycling them is a simple way to reduce one's carbon footprint. Higher recycling rates ensure a steady supply of high value recycled aluminum delivering incredible value and benefits for all. That concludes my report this evening.

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

D. Auditor:

Auditor Costin: Thank you, Madam Chairman. I have a financial report for the month of July that I request your passage and a few requests.

Auditor's Written Financial Report for July 2009

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

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

 Yes, 7 No, 0

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

Auditor Costin: Thank you. Requests included under new business is T 74, an amended appropriation ordinance. This ordinance encompasses the activities that were otherwise passed by Council at prior meetings and included with contingencies. It includes some adjustments that occurred to Worker's Comp accounts and contractual payroll matters. I would request that Council consider passing that tonight with the emergency. I'll be glad to answer any specific questions on T 74 if it has its first reading.

T 76 is a resolution for the expenditure of funds to Signal Service Company for repairs that were made as a result of an accident. I would request Council consider passing that tonight. It does not need the emergency, but I would request that it be passed tonight.

Finally, T 5 is funding of an ongoing sewer project that we have had in the works for several years and due to the lack of funds, I would request that, that be referred to the Finance Committee. That is T 5 related to the sewer main line grouting and relining.

President Butkowski: Refer it back to Finance?

Auditor Costin: Refer it back to Finance until we can see fit to have monies available. During appropriation meetings, it was determined that we would postpone this until later in the year and see where we are at. This money is charged to our sewer funds. Our sewer funds, as we know are being plagued with inadequacies in that in the balance anticipated, that we may actually have a deficit balance by the end of the year in that particular fund. So, what we need to do is defer any capital projects of this nature until such time as we can build the reserves in those funds. Thank you.

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

E. Other Reports:

President Butkowski: You'll see the:
Police Department Annual Report for 2008;
Building Department Report for June and July 2009;
Fire Department Report for July 2009;
Mayor's Court Report for July and August 2009;
Police Department Quarterly Report April to June 2009;
Water System Operation Report for July 2009; and
Police Department Support Car Report for July 2009

COUNCIL COMMITTEE REPORTS:

President Butkowski: Clerk, please read the reports
Clerk of Council Blakely:

BUILDINGS & LANDS COMMITTEE REPORT #6268 recommending the adoption of T 67-2009 adding new requirements contained in the Ohio EPA Permit revised April 21, 2008.

 moved by Buescher, seconded by Olesen to accept

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

 Yes, 7 No, 0

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

CORRESPONDENCE:

President Butkowski:

1) Received notification from Terry Poole, Superintendent of the Ohio Department of Commerce, Division of Liquor Control giving notice that all permits to sell alcoholic beverages will expire on October 1, 2009 and every permit holder must file a renewal application.

2) Received a letter from Ward 1 Council Member Nancy Buescher submitting a request from a constituent to have Council look into Wild Life Nuisance permits for farmers who are being adversely affected by deer which are eating crops and requests that this be referred to the Safety Committee.

President Butkowski: I WILL REFER THAT TO THE SAFETY COMMITTEE.

3) Received a letter from Toni Whitney, Assistant Director/Supervisor of Branches and Outreach of the Lorain Public Library System providing the 4th annual financial update to expenditures from the 1.91 mill operating levy.

President Butkowski: Old business.

OLD BUSINESS:

Clerk of Council Blakely:

T 5-2009 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 SANITARY SEWER MAIN LINE AND MANHOLE GROUTING, RE-LINING AND POINT REPAIRS AND OTHER APPURTENANCES, AND TO NEGOTIATE AND ENTER INTO A CONTRACT WITH A CONSULTING ENGINEERING FIRM FOR PLANS SPECIFICATIONS, AND CONSTRUCTION PHASE SERVICES FOR THE SAME, NOT TO EXCEED \$100,000.00.

President Butkowski: I WILL REFER THIS TO THE FINANCE COMMITTEE.

NEW BUSINESS:

President Butkowski:

Request for new C1, C2 and D6 liquor permit from Walgreen Co., DBA Walgreens 09372, 33760 Center Ridge Road

Council Member Buescher: Madam President, I just have a question on this because it is not a transfer. It is a new request and when these come through, I always wonder if they shouldn't be looked at without approving them immediately. Could I ask the Law Director to address that?

Law Director Crites: You certainly have a right to do that. It is a retail permit for a drug store. It isn't going to be a tavern or a restaurant. I don't know if that influences your decision. You certainly have a right to request a public hearing on it.

Council Member Buescher: Well, I'm not necessarily going to make the request, but I don't think that, that should be referred to as a transfer, if it is a new application.

Law Director Crites: You are right, it is a new application. You might want, for the record to indicate that it is a new application and not a permit transfer as indicated on the agenda erroneously.

President Butkowski: Yes, it is right here on the application that it is new. Let's just delete the word transfer. I will re-read it. Moved to not request a hearing as stated in the application so that this permit can be sent to the State for final disposition.

President Butkowski: Is there any other discussion?

Law Director Crites: Who made the motion?

Council Member Corcoran: I thought Bernadine did.

President Butkowski: No, I didn't. I just read it.

move by Buescher, seconded by Corcoran to not request a hearing as stated in the application so that this permit can be sent to the State for final disposition

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

Yes, 7 No,

Clerk of Council Blakely: Motion passes by a vote of seven to zero as amended.

President Butkowski:

Request for D5 and D6 liquor permit transfer from Mould Development LLC, 33009 Lorain Road Unit B & Patio to Lone Tree Tavern LLC, same address

move by Buescher, seconded by Corcoran to not request a hearing as stated in the application so that this permit transfer can be sent to the State for final disposition

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

Yes, 7 No, 0

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

President Butkowski: Clerk, could you read the Planning Commission recommendations to Council?

Clerk of Council Blakely:

Planning Commission recommendations to Council from regular meeting August 11, 2009

APPLICANT: James A. Malik,, Z/M Architects, Inc., 7500 Pearl Road, Middleburg Hts., OH, 44130

OWNER: BLJM, LLC, 21337 Oakhurst Lane, Strongsville, OH, 44149

REQUEST: preliminary approval to proceed with working drawing to develop this location into a miniature golf and ice cream plaza

LOCATION: Sublot 7B on Victory Lane
Permanent Parcel No. 07-00-003-102-082

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

moved by Corcoran, seconded by Olesen to approve

President Butkowski: Is there any discussion? I only had a comment to make. This company will need to have BZA approval because of the concerns with the zoning there for this type of business. That area is going to be some of highest area of valuation and commercial taxing and I would have hoped that we would get higher valuation of buildings and things in there. I would hate to see the first thing going in already needing to go to BZA to change the zoning a little bit.

Mayor Gillock: Madam President, that property is zoned B-4. It has already been to zoning to be considered of liked use and approved for that location.

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

Yes, 7 No, 0

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

APPLICANT: Jim Simone, Comprehensive Health Care of Ohio, Inc., 630 E. River Road,
Elyria, OH, 44035

OWNER: Comprehensive Health Care of Ohio, Inc., 630 E. River Road, Elyria, OH, 44035

REQUEST: preliminary site plan approval for EMHRMC Medical Office Building

LOCATION: west of Lorain Road and northeast of the Ohio Turnpike entrance
Permanent Parcel No. 07-00-010-107-048

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

 moved by McLaughlin, seconded by Olesen to approve

President Butkowski: Is there any other discussion?

Council Member Olesen: Madam President, I will be abstaining from voting because of my affiliation with this healthcare group.

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

Yes, 6 No, 0 Abstain, 1 (Olesen)

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

T 56-2009 A RESOLUTION ACCEPTING THE MASTER PLAN OF 2009

PC ACTION: Recommended that Council approve T 56-2009 by a vote of three to one.

 moved by McLaughlin, seconded by Butkowski to approve

President Butkowski: Is there any discussion?

Council Member Olesen: Madam President, accepting does not mean approving right? Because there are some aspects of the Master Plan that I don't agree with.

Council Member McLaughlin: Let me rephrase. I will move to accept the report.

Mayor Gillock: Madam President, I agree with Mr. Olesen. There are items in the Master Plan that I don't agree with, but, I think it was an effort by seven dedicated citizens doing the best they could to look forward for the next ten to 15 years and put together their idea of a plan and a guide for us. (tape one, side A ends) (tape one, side B begins) There are some things that make terrific sense, just like the last one. There may be things in there that physically or for whatever reason, are impossible to accomplish but, it was the best idea dealing with what they are working with. When we did the last Master Plan, I headed the zoning subcommittee and we looked at the zoning in the different areas. We didn't take into consideration the wetlands and other things like that, because we didn't have that information. We just said, this looks like a good idea, but when we got to it, sometimes we couldn't do it. That is kind of where they developed their ideas from and looking at what they thought made sense, such as, if we straightened this road out and

put it through or we try to slow down development in this area and let's take a look at these items. Let's discuss those, let's debate them, bring them up and take a vote on them. So, I would appreciate your support.

President Butkowski: We are just approving their report.

Council Member McLaughlin: That is what I was getting at. Actually it shouldn't be moved to approve, it should be moved to accept; because, correct me if I'm wrong, we can't take action on the recommendation. It has to be a separate thing.

President Butkowski: It will be a separate thing all together. We are just accepting the report from Planning Commission. Everyone of these is an acceptance of what they had recommended. Is there any other discussion? Clerk, please call the roll.

Yes, 6 No, 0 Abstain, 1 (Butkowski)

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

Request from the Parks & Recreation Commission for Council approval to expend \$20,000.00 from the Parks & Recreation Improvement Fund for the construction of a storage building at the Shady Drive Complex

 moved by Boose, seconded by Jaenke to accept

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

Yes, 7 No, 0

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

Planning Commission's recommendations to Council from regular meeting Sept. 1, 2009

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

Council Member McLaughlin: Madam President, I have a question. From being in the meeting and sitting here, I was under the understanding that I don't understand what this phase two stuff is. He was supposed to, before we moved onto final approval, he was supposed to have the traffic study and the City Planner Review. I don't know if it makes much of a difference, but to me listening to it, phase two doesn't sound right.

Law Director Crites: Madam President, if I may. That caught my eye as well Mr. McLaughlin. That obviously is referring to prior to final approval. I wasn't present at that Planning Commission meeting, but there is no phase two; it has to be prior to. I would suggest and from what I am hearing from you is that you are moving that this approval of the PC Action be amended to read prior to final approval. I think it would be a good idea that, if this goes through tonight, that this is the way this reads.

 moved by McLaughlin, seconded by Olesen to rephrase to strike phase two and include the words final approval

President Butkowski: Is there any discussion?

Mayor Gillock: Madam President, just to help clarify it. This is a phase two of the Hampton Place development, so, that is where the phase two comes from. If you look at the beginning of the application, it states the request for preliminary plan approval. The amendment is exactly right, as it still does have to come back for final approval. It is phase two being approved for preliminary tonight with the condition that you have the City Planner's review and the completed traffic study before final approval. Thank you.

President Butkowski: Is there any other discussion on the amendment?

Council Member Corcoran: Madam President, I have a question. Are we just changing what it says on this piece of paper or are we changing what the Planning Commission said, because if the Planning Commission used the words final approval then we don't need to amend anything.

Council Member Buescher: Madam President, it would seem that the way the Mayor explained it makes perfect sense, but it probably should say phase two Hampton Place.

Mayor Gillock: If you look at the request on page five, the request is for preliminary plan approval. That is what you are voting on preliminary plan approval. The condition is they approved the preliminary plan approval by a vote of five to zero with the conditions that they get the City Planner's review and the traffic study prior to this phase, which is phase two being submitted and they left off final approval, which is what needs to be added to clarify it.

Council Member Buescher: Madam President, could I ask the Law Director if that could be added phase two Hampton Place and to place Hampton Place in there behind phase two?

President Butkowski: Let me read from page 18 of the Planning Commission minutes of September 1. Chairman Hurst asked if there was a motion to disapprove or approve. Motion by Mollenkamp, seconded by Galippo to approve the preliminary plan with the condition that we ask for a City Planner's review and receive a completed traffic study prior to phase two being submitted.

Council Member Buescher: Because phase two is different from final.

Law Director Crites: Maybe I'll ask the Mayor. Are they going to be coming in with preliminary approval on a second phase?

Mayor Gillock: At this point, I would recommend that you postpone until we clarify it.

Law Director Crites: You could always do that.

Engineer Griffith: The Hampton Place subdivision is going to be a number of different phases. The size of which will be dictated by the housing market. Phase two, as I understand it, is going to be an extension of the two existing streets. The one on the north side will go up into what they

are showing now as a cul-de-sac and the southerly street will be extended a short distance. I don't know how many sublots will be involved, but it will probably be around 25 or so. That is what they are calling phase two. That is what will be, in his opinion, presented to Council eventually for final approval; that particular phase, because they don't know what the other phases are going to be.

Council Member Boose: I'm reading the Planning Commission request for action on this and no where on the page that it shows where Mr. Hurst signed or Mr. Valore signed that it says phase two. It says preliminary plan approval for residential subdivision with 341 lots under Chapter 1282, Single Family Detached and Cluster Development notes preliminary plan approved 4/12/05, revised preliminary plan approved 1/4/07; phase one final plat approved 6/12/07; BZA variance approved 7/23/09. I don't see anywhere where it says phase two on this document.

President Butkowski: Other than where the motion was made at the very end. I would make a motion that we postpone this until we get clarification.

Council Member Boose: Point of order. You have a motion on the floor.

Mayor Gillock: It's a subsidiary motion and you can do that.

President Butkowski: It supersedes.

 moved by Butkowski, seconded by Jaenke to postpone this until we get clarification

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

 Yes, 7 No, 0

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

President Butkowski: Okay, we'll move on to T 74.

Clerk of Council Blakely:

T 74-2009 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 4640-2009 AND 4663-2009 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2009 AND ENDING DECEMBER 31, 2009.

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

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

 Yes, 7 No, 0

Clerk of Council Blakely: Motion to suspend the By-Laws passes by a vote of seven to zero.

T 76-2009 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO SIGNAL SERVICE COMPANY FOR REPAIRS MADE TO TRAFFIC SIGNAL EQUIPMENT IN THE AMOUNT OF \$7,520.40.

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

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

 Yes, 7 No, 0

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

T 77-2009 A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION WITH THE NORTHEAST OHIO AREA WIDE COORDINATING AGENCY (NOACA) FOR FUNDS THROUGH THE TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE (TLCI) PLANNING GRANT FOR TRANSPORTATION AND PEDESTRIAN LINKAGES STUDIES ASSOCIATED WITH THE CITY OF NORTH RIDGEVILLE'S PROPOSED TOWN CENTER DISTRICT, AND TO COMMIT A 20% MATCH OF FUNDS AWARDED.

Mayor Gillock: Madam President, we brought this one forward and Rob Shenal from Burgess and Niple, our consultant, is here with us this evening. This kind of tracks with one of the recommendations from the Master Plan Committee, that we look at a town center area. Naturally, to do that, you need to do some type of planning and NOACA through their Transportation for Livable Communities Initiative has up to 75,000 dollar grants available. We would have to, if we were successful in getting the grant, commit 20 percent. We don't have to do that now, but the deadline for the application is this month to get them in. So, we wanted to get this passed tonight to give us the okay to make the application, just to see where it goes. It may get denied, who knows. It might get postponed a year. It is one of those cases, that unless you apply, you'll never know. We would like to get this passed this evening, if we could.

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

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

 Yes, 7 No, 0

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

T 78-2009 AN ORDINANCE AUTHORIZING FUNDS FOR A CONTRACT TO BE NEGOTIATED AND ENTERED INTO BY THE MAYOR OF NORTH RIDGEVILLE AND CH2M HILL FOR PROFESSIONAL ENGINEERING CONSULTING SERVICES IN THE APPROXIMATE AMOUNT OF \$33,000.00.

President Butkowski: I'll turn this over to the finance committee.

Auditor Costin: Excuse me, Madam Chairman. If I could, the subject matter here has to do with our sewer study update. We discussed it and we actually appropriated a part of this in appropriations. For some reason, we did not appropriate the remainder; but, when we were discussing rate increases early in the year, the subject of a water study came up as well. When you add the three together, it would exceed 25,000 dollars that requires an ordinance be passed by Council. I would recommend the City consider passing this, because, as what happened last year; by the time they got the study done and we made recommendations, we were well into the new year. What is not appropriated, will be included in the appropriation ordinance tonight. What is estimated is 12,300 for water, 10,300 for our sewer fund and 10,400 in the French Creek

Sanitary Sewer Fund. I believe the 10,400 for French Creek has actually been appropriated. What I would like to see us do is realize the efficiencies of having them do the whole works at one time and move on it relatively quickly. I would recommend that Council consider passing that tonight, with the presumption that the appropriation ordinance will be passed so that they can begin their study update promptly.

President Butkowski: I didn't notice that was appropriated and I wanted to be sure that the Finance report that it is not new money.

Council Member Buescher: Would you like this passed with the emergency?

Auditor Costin: I don't know that we need the emergency, because I'm sure that they're not going to be able to start it immediately and certainly have results promptly. I would like to in fact, at least pass it so that we can notify them to gear up and get ready to roll.

Council Member McLaughlin: Madam President, I have a question. How long does it take them to do this? Does anyone have idea this usually takes?

Auditor Costin: Well, this is an update and I would hope that it would be quicker. They were talking about going into toward the end of the year before we have the results.

Mayor Gillock: Correct. The last one took us about six months. This one should be a lot faster. Although, we have one hick-up. In analyzing the French Creek Sewer rates, part of the analysis has to do with what really belongs to French Creek and what belongs to North Ridgeville; when you are talking about the interceptors and the sewer lines. Denny has been working really hard. The Ohio Water Development Authority, who the City bought the plant from 29 years ago, has a wealth of information that was never available to us. They need some of those maps and that data. We are working on getting that. In fact, we got an email, I believe it was today, that they have sixteen boxes of information. They told us that they would go through it and they want to pull out some old personnel files from 1970 and save those. They would give us the rest. As long as we get that information in a timely manner, we are looking towards the end of the year. Thank you.

Auditor Costin: If I might add, with that explanation and the fact that there is, in my view, a potential, that we are going to have a deficit by the end of the year. Perhaps, it would be to our advantage to pass this with the emergency for the health of the citizens that we provide sewer services to.

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

President Butkowski: Do we have any discussion?

Council Member Boose: Yes, Madam President. Just to follow up with what Mr. Costin said. We discussed this at length during appropriations and it is my recollection, that we actually had appropriated 25,000 of the 33,000 being asked of us this evening and the remainder of that is in the new appropriation's ordinance that will be considered later this evening. That ordinance has already been placed on first readings. Part of the discussion came, as you are well aware, that we didn't get the increases passed until later in the year; earlier this year, which is causing some deficit funding for that particular line item. So, whatever we could do to try to justify how much we need to go forward for 2010, I think is well spent. Thank you.

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

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

Yes, 7 No, 0

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

T 79-2009 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
VARIOUS CONTRACTS WITH ELECTRIC PROVIDERS TO PROVIDE
ELECTRICITY TO THE CITY OF NORTH RIDGEVILLE AT DISCOUNT
RATES.

moved by Mayor Gillock, seconded by Olesen to suspend By-Laws to allow a first reading
this evening

President Butkowski: Do we have any discussion?

Mayor Gillock: Madam President, we have been in discussion with Duke Energy. The City does not receive a discount through NOPEC or other suppliers as other residents do. We now have an opportunity through Duke, to work with them and get substantial savings. We are talking over a two-year period in the hundreds of thousands of dollars. By not doing it immediately, we lost 8,000 dollars in savings, just because we couldn't do it in the first month. Obviously, going to another electrical supplier, we are talking in excess of 25,000 dollars and we need Council's approval. This is one of those that the sooner we can get into it, the more money we can save. They got new rates to us today. So, if possible, we would like this passed with the emergency this evening. Thank you.

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

Yes, 7 No, 0

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

T 80-2009 AN ORDINANCE AMENDING ORDINANCE NO. 4397-2007 REGARDING
THE RETROFITTING OF COMPLETE MIX TANK NO. 2 AT THE FRENCH
CREEK WASTE WATER TREATMENT PLANT, BY INCREASING THE
AMOUNT FROM \$375,000.00 TO \$405,000.00.

moved by Mayor Gillock, seconded by Olesen to suspend By-Laws to allow a first reading
this evening

President Butkowski: Do we have any discussion?

Mayor Gillock: Madam President, I would ask that we let the Safety-Service Director speak to this request.

Safety-Service Director Johnson: This is two different projects. An air line that was leaking very badly, that we have been working on for about a year now and a complete mix tank, which was also being rehabed. Those two work together. The air line pumps the air into the tank and that is what, and I don't want to get graphic about it, but where those two meet, where the line comes out of the ground and goes into the mix tank, that equipment there was found to be in a lot worse shape than what we anticipated. Working with the Auditor's office, we drew a line as to which fund, the complete mix tank and air line should have to cover the cost. We got it split at the right

point, I think, and this money is needed to keep the contractor that is out there now, that already has all his equipment in place and ready to go; keep him there and save the City a little bit of money instead of going out to bid again to basically finish the job.

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

Yes, 7 No, 0

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

move by Corcoran, seconded by McLaughlin to allow for voice votes from this point forward

President Butkowski: Well, I was going to do that when we finished with first readings. Is there any discussion? Clerk, please call the roll on voice votes.

Yes, 7 No, 0

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

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

President Butkowski: I WILL REFER THAT TO UTILITIES COMMITTEE.

T 82-2009 AN ORDINANCE OUTLAWING TEXT MESSAGING WHILE DRIVING IN THE CITY OF NORTH RIDGEVILLE.

President Butkowski: I WILL REFER THAT TO THE SAFETY COMMITTEE.

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

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

T 85-2009 AN ORDINANCE AMENDING NRCO CHAPTER 1444, BUILDING PERMITS AND FEES, BY ESTABLISHING DEPOSIT FEES FOR RE-INSPECTIONS, AND ADJUSTING VARIOUS FEES TO REFLECT CURRENT COSTS.

President Butkowski: I WILL REFER THAT TO BUILDING AND LANDS COMMITTEE.

T 86-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO ENTER INTO AN AGREEMENT WITH NORTH COAST HOLDINGS, INC. DBA SUMMIT TOOL COMPANY AND ACCEPT PAYMENT OF FUNDS FOR PREVIOUSLY ABATED TAXES.

Law Director Crites: Madam President, if I may and I may have beat the Mayor to it, but we have been fortunate to, with the Mayor's work and the negotiation of reemployment of previous abated taxes with a company who, unfortunately, had to leave our City. They have been ready, willing and able to make the first payment of a substantial sum back to the City, but have been unable to do so because the agreement has not been approved. We also have to get this agreement before the County Commissioners, likewise, for their ratification. So, in order to lock this in, I beg that someone would make a motion that we suspend the By-Laws to give this a first reading and pass this tonight with the emergency.

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

President Butkowski: All those in favor say yes. Opposed? Abstained? Motion passed.

 Yes, 7 No, 0

T 87-2009 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE WESTSHORE COUNCIL OF GOVERNMENTS AND EMERGENCY SERVICES CONSULTING INTERNATIONAL TO PROVIDE CONSULTING SERVICES TO DEVELOP A COOPERATIVE AGREEMENT FOR THE CONSOLIDATION OF FIRE SERVICES.

 moved by Mayor Gillock, seconded by Boose to suspend By-Laws to allow a first reading this evening

President Butkowski: Do we have any discussion?

Mayor Gillock: Madam President, this is a study that the Westcom Council of Government and North Ridgeville collaborated on, that we want to take a look at, just to see what is possible in how our seven fire departments might work together for two goals, to save costs or improve services. We went to 20 different consultants, asked for their scope of services, narrowed that down to three, had formal interviews with those three and selected one; that being Emergency Services Consulting. They provided a proposal to complete the study for 137,492 dollars. The Fire Departments or Municipalities then applied to the fund for our economic future for the Efficient Government Now Grant, which we won and we will receive 100,000 dollars to pay toward that study. The remaining 37,492 is divided by a formula with the seven municipalities and North Ridgeville's total share will be 4,607.86 dollars out of the 137,000 dollar study. We would like to get this contract signed. There is a meeting tomorrow and if possible, we would like to get this passed this evening with emergency so, that we can participate in the grant study. Thank you.

Council Member Olesen: Madam President, I just have a question and maybe, perhaps the Mayor can answer it. We're the only Lorain County City in this agreement and I just wondered why Avon and Avon Lake were not included in this?

President Butkowski: Mr. Gillock or Mr. Johnson?

Mayor Gillock: He passed me a note and I wasn't listening.

Council Member Olesen: My question was that we are the only Lorain County City included in this plan and I just wondered why Avon, Avon Lake were not included and maybe Elyria also?

Mayor Gillock: We participate with several of these cities in our Fire Dispatch Service. When we went that direction, those were the cities that we matched up the best with. They have paramedic services and full service Fire Departments. We looked around at the other cities. South of us, they have volunteers. Elyria doesn't have paramedics. At the time, Avon had just gone to a full time service. So, we are already working with this Council of Government, sharing services, sharing dispatch service right now. They are not part of that Council of Government. We are an affiliated status and that is why we worked together on it. When they went for the original grant that set up the dispatch center, when they applied for the grant, they used a lot of the numbers from the North Ridgeville Fire Department to help substantiate that grant. They used our run volume and things like that. So, we have a history of collaborating and working with these departments. Avon and Avon Lake have not and their operations have been different.

President Butkowski: Is there any other discussion?

Auditor Costin: Madam Chairman. The amount of money included here hasn't been appropriated, but the Fire Chief believes that he can squeeze that amount of money out of his current existing budget.

Council Member Boose: Madam President, I come up with a different figure than what the Mayor had come up with. Under section three, first off, all the cities will be charged ten percent of the contract. That would be roughly 3,749 plus, then the allocation by population, which I came up with 4,994 based on the U.S. Census estimates for July 1, 2008. That would be on the high end most likely and I come up with a figure of 8,743. It is still a great deal.

Mayor Gillock: That is not the way the formula works. What you are doing Dennis is having each city pay ten percent up front. The way the formula works is that they take ten percent of the 37 or almost 39,000 and they divide that ten percent equally among the seven cities. So, each city is paying 570 dollars toward that initial ten percent. The remainder, the next 90 percent is prorated among all the seven communities based on a couple of factors. That being population and square miles they cover. Each city doesn't pay ten percent of the grant. The seven cities split the first ten percent and then 90 percent gets split.

Council Member Boose: So your figure again is?

Mayor Gillock: These are the numbers that they provided me. We pay 570 dollars based on the ten percent base shared equally. Then we pay 4,037.36 based on the population allocation. So our total is 4,607.86.

Council Member Boose: Thank you.

President Butkowski: Is there any other discussion? All those in favor say aye. All those opposed? Any abstention?

Yes, 7 No, 0

RECESS:

moved by Mayor Gillock, seconded by Buescher to suspend the By-Laws to move the recess to right now prior to T 88, T 89 and T 90 being presented

Mayor Gillock: The Auditor and I need to have a conference with the Law Director about some of the language in those three ordinances. So, if possible, I would like to make that motion to hold the recess now prior to those three ordinances

President Butkowski: Is there any discussion? All those in favor say yes. All those opposed say no. Abstentions?

Yes, 7 No, 0

President Butkowski: We will recess for, do you need ten minutes or do you need more?

Mayor Gillock: That will be fine.

President Butkowski: For ten minutes.

Council recessed at 8:56 P.M.

Council reconvened at 9:11 P.M.

NEW BUSINESS: (Con't)

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.

Law Director Crites: If I may, Madam Chairman; with support of the Auditor and the Mayor, it's been brought to our attention that due to the wording, we're dealing with all three unions tonight with a one year contract. The distinction is that one is a one year new contract and two are extensions for the term of one year. Unfortunately, the way the legislation is written, it is somewhat ambiguous and out of concern for having complete clarity and having a clean audit with the State, it has been proposed; and I support it wholly, that we simply postpone these three pieces of legislation, so that I can draft them accordingly to make sure that they are perfectly appropriate and fit with what the City is actually doing with these unions in order that they are passed at the next meeting. Let me state this clearly. No discussion or no intention to change or look at or seek to modify any of the terms therein. We are simply seeking the extension to modify the cover piece of legislation to make sure that it fits the bill.

President Butkowski: Okay. Could I have a motion?

Auditor Costin: Madam Chairman, I believe all you have to do is take no action. Because if you don't postpone to have the first reading, it will have the first reading during the next meeting. At which place, we will have a replacement ordinance.

Law Director Crites: That is a great idea. We can just amend by substitution.

President Butkowski: That will be fine too. We will start over. T 88.

Clerk of Council Blakely:

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.

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.

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.

President Butkowski: Just for clarification, that should not read AFL-CIO. It should read AFSCME Local 3442 and those changes will be made for the next meeting.

Mayor Gillock: The ordinance is correct. AFSCME is part of AFL-CIO.

President Butkowski: I was told differently. Recess, we already had, so we will go onto our First Readings.

FIRST READINGS:

Clerk of Council Blakely:

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.
First Reading

T 74-2009 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 4640-
4676-2009 2009 AND 4663-2009 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR
THE PERIOD COMMENCING JANUARY 1, 2009 AND ENDING
DECEMBER 31, 2009.
First Reading
moved by Boose, seconded by Buescher to dispense with the second and third readings

President Butkowski: Is there any discussion? All those in favor say yes. All those opposed no.
Any abstentions?

Yes, 7 No, 0

moved by Boose, seconded by McLaughlin to adopt
moved by Boose, seconded by McLaughlin to add the emergency in order to meet
deadlines

President Butkowski: Is there any discussion on the emergency? All those in favor say yes. All
those opposed no. Any abstentions?

Yes, 7 No, 0

President Butkowski: A motion was made by Boose and seconded by McLaughlin to adopt with
the emergency. All those in favor say yes. All those opposed no. Any abstentions?

Yes, 7 No, 0

President Butkowski: That will be ordinance number?

Clerk of Council Blakely: Ordinance number 4676-2009.

Permanent Ordinance No. 4676-2009

T 76-2009 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO
1170-2009 SIGNAL SERVICE COMPANY FOR REPAIRS MADE TO TRAFFIC SIGNAL
EQUIPMENT IN THE AMOUNT OF \$7,520.40.

First Reading

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

President Butkowski: Do we have any discussion? All those in favor say yes. All those opposed
no. Any abstentions?

Yes, 7 No, 0

moved by Olesen, seconded by McLaughlin to adopt

President Butkowski: Is there any discussion? All those in favor say yes. All those opposed no.
Any abstentions?

Yes, 7 No, 0

President Butkowski: That will be resolution number?

Clerk of Council Blakely: Resolution number 1170-2009.

Permanent Resolution No. 1170-2009

T 77-2009 A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION
1171-2009 WITH THE NORTHEAST OHIO AREA WIDE COORDINATING AGENCY
(NOACA) FOR FUNDS THROUGH THE TRANSPORTATION FOR
LIVABLE COMMUNITIES INITIATIVE (TLCI) PLANNING GRANT FOR
TRANSPORTATION AND PEDESTRIAN LINKAGES STUDIES
ASSOCIATED WITH THE CITY OF NORTH RIDGEVILLE'S PROPOSED
TOWN CENTER DISTRICT, AND TO COMMIT A 20% MATCH OF FUNDS
AWARDED.

First Reading

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

President Butkowski: Do we have any discussion? All those in favor say yes. All those opposed no. Any abstentions?

Yes, 7 No, 0

moved by Boose, seconded by McLaughlin to adopt

moved by Boose, seconded by Olesen to add the emergency in order to meet the application deadline

President Butkowski: Is there any discussion on the emergency? All those in favor say yes. All those opposed no. Any abstentions?

Yes, 7 No, 0

President Butkowski: A motion was made by Boose and seconded by McLaughlin to adopt with the emergency.

Council Member Boose: Madam President, just a question. This is a reimbursement? We put the money out and then we will be reimbursed?

Mayor Gillock: I don't believe so on this one. We have to agree to the match and they will determine, I'm not sure on this one.

Council Member Boose: I thought it was a reimbursement.

Mayor Gillock: It may be. We have to appropriate it all anyway.

President Butkowski: Is there any other discussion? All those in favor of the adoption with the emergency say yes. All those opposed no. Any abstentions?

Yes, 7 No, 0

President Butkowski: That will be resolution number?

Clerk of Council Blakely: Resolution number 1171-2009.

Permanent Resolution No. 1171-2009

T 78-2009 AN ORDINANCE AUTHORIZING FUNDS FOR A CONTRACT TO BE
4677-2009 NEGOTIATED AND ENTERED INTO BY THE MAYOR OF NORTH
 RIDGEVILLE AND CH2M HILL FOR PROFESSIONAL ENGINEERING
 CONSULTING SERVICES IN THE APPROXIMATE AMOUNT OF
 \$33,000.00.

First Reading

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

President Butkowski: Do we have any discussion? All those in favor say yes. All those opposed no. Any abstentions?

Yes, 7 No, 0

moved by Boose, seconded by Olesen to adopt

moved by Boose, seconded by Olesen to add the emergency for the health, safety and welfare of the residents of our City

President Butkowski: Is there any discussion on the emergency? All those in favor say yes. All those opposed no. Any abstentions?

Yes, 7 No, 0

President Butkowski: A motion was made by Boose and seconded by Olesen to adopt with the emergency. Do we have any discussion? All those in favor say yes. All those opposed say no. Any abstentions?

Yes, 7 No, 0

President Butkowski: That will be ordinance number?

Clerk of Council Blakely: 4677-2009.

Permanent Ordinance No. 4677-2009

T 79-2009 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
4678-2009 VARIOUS CONTRACTS WITH ELECTRIC PROVIDERS TO PROVIDE
ELECTRICITY TO THE CITY OF NORTH RIDGEVILLE AT DISCOUNT
RATES.

First Reading

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

President Butkowski: Is there any discussion? All those in favor say yes. All those opposed no. Any abstentions?

Yes, 7 No, 0

moved by Olesen, seconded by McLaughlin to adopt

moved by Olesen, seconded by McLaughlin to add the emergency because the sooner we get this finished, the more money we will save

President Butkowski: Is there any discussion on the emergency? All those in favor say yes. All those opposed no. Any abstentions?

Yes, 7 No, 0

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

Council Member Boose: Madam President, Mayor do we know the length of contract we are going to be asked to enter into?

Mayor Gillock: I will refer to the Safety-Service Director, but I think it is two years.

Safety-Service Director Johnson: There was a six month offer and an 18-month offer. We went with the 18-month offer.

Council Member Boose: You had mentioned one company. Is there more than one company that is offering these discounts.

Safety-Service Director Johnson: There are others that do this. We looked around a little bit.

This is a good offer from a very reputable company. That is part of the problem. You want to make sure that they are there. Anybody can stand up and offer a rate. If they can't fulfill, then we have to fall back to Ohio Edison and we will lose the rate. This is a very reputable company and, as a matter of fact, they are the City's service down around the Cincinnati area. They are the Ohio Edison of that area.

Council Member Boose: Just for clarification for residents. This is not for residents. This is for the electrical use by the City.

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Safety-Service Director Johnson: It is not available to residents.

President Butkowski: Is there any other discussion? A motion was made by Olesen and seconded by McLaughlin to approve with the emergency. All those in favor say yes. All those opposed say no. Any abstentions?

Yes, 7 No, 0

President Butkowski: That will be ordinance number?

Clerk of Council Blakely: Ordinance number 4678-2009.

Permanent Ordinance No. 4678-2009

T 80-2009 AN ORDINANCE AMENDING ORDINANCE NO. 4397-2007 REGARDING
4679-2009 THE RETROFITTING OF COMPLETE MIX TANK NO. 2 AT THE FRENCH
CREEK WASTE WATER TREATMENT PLANT, BY INCREASING THE
AMOUNT FROM \$375,000.00 TO \$405,000.00.

First Reading

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

President Butkowski: Is there any discussion? All those in favor say yes. All those opposed no. Any abstentions?

Yes, 7 No, 0

moved by Boose, seconded by Olesen to adopt

President Butkowski: Is there any discussion? All those in favor say yes. All those opposed no. Any abstentions?

Yes, 7 No, 0

President Butkowski: That will be ordinance number?

Clerk of Council Blakely: Ordinance number 4679-2009.

Permanent Ordinance No. 4679-2009

T 86-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4680-2009 RIDGEVILLE TO ENTER INTO AN AGREEMENT WITH NORTH COAST
HOLDINGS, INC. DBA SUMMIT TOOL COMPANY AND ACCEPT
PAYMENT OF FUNDS FOR PREVIOUSLY ABATED TAXES.

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

First Reading

President Butkowski: Is there any discussion? All those in favor say yes. All those opposed no. Any abstentions?

Yes, 7 No, 0

moved by Corcoran, seconded by McLaughlin to adopt

moved by Corcoran, seconded by McLaughlin to add the emergency in order to recover the funds on a timely basis

President Butkowski: Is there any discussion on the emergency? All those in favor say yes. All those opposed no. Any abstentions?

Yes, 7 No, 0

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

Council Member Boose: Madam President, do the schools and the county approve this?

Mayor Gillock: Madam President, we met the company with the Tax Abatement Review Board. The schools and the county; I don't know if we did, the Board or if it was just the county and the school district, but they were all there. The county basically said, that they were fine to whatever the schools agreed to. We agreed that they would pay 100 percent of what they owed the City and what they owed the schools. We would let them pay half this year and half next year. The county said they were fine. The Law Director drew it up and processed it and the county said that they want Council's approval on this before we take it to the commissioners. So, all three parties are on board with it. The county is not concerned about their interest. The schools and the City will be made whole for everything that was abated and we will get it all back.

Council Member Boose: Thank you.

President Butkowski: Is there any other discussion? All those in favor say yes. All those opposed no. Any abstentions?

Yes, 7 No, 0

President Butkowski: That will be ordinance number?

Clerk of Council Blakely: 4680-2009

Permanent Ordinance No. 4680-2009

T 87-2009 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN
4681-2009 AGREEMENT WITH THE WESTSHORE COUNCIL OF GOVERNMENTS
AND EMERGENCY SERVICES CONSULTING INTERNATIONAL TO
PROVIDE CONSULTING SERVICES TO DEVELOP A COOPERATIVE
AGREEMENT FOR THE CONSOLIDATION OF FIRE SERVICES.

First Reading

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

President Butkowski: Is there any discussion? All those in favor say yes. All those opposed no. Any abstentions?

Yes, 7 No, 0

moved by Buescher, seconded by Corcoran to adopt

moved by Mayor Gillock, seconded by Buescher to add the emergency

President Butkowski: Is there any discussion on the emergency? All those in favor say yes. All those opposed no. Any abstentions?

Yes, 7 No, 0

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President Butkowski: A motion was made by Buescher and seconded by Corcoran to adopt with the emergency. Do we have any discussion? All those in favor say yes. All those opposed no. Any abstentions?

Yes, 7 No, 0

President Butkowski: That will be ordinance number?

Clerk of Council Blakely: 4681-2009

Permanent Ordinance No. 4681-2009

SECOND READINGS:

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

THIRD READINGS:

President Butkowski: We have no third readings.

COMMITTEE MEETING ANNOUNCEMENTS:

President Butkowski:

Next Regular Council Meeting Monday, September 21, 2009 at 7:30 P.M. in Council Chambers.

ADJOURNMENT:

moved by Jaenke to adjourn

Meeting adjourned at 9:31 P.M.

Approval of Minutes:

MOTION Corcoran 2ND McLaughlin DATE September 21, 2009

YES 6 NO 0 ABSTAIN 0


PRESIDENT OF COUNCIL BERNADINE BUTKOWSKI


CLERK OF COUNCIL WARREN W. BLAKELY