NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING SEPTEMBER 7, 2010

CALL TO ORDER: 7:30 P.M.

President Corcoran: I call to order tonight's meeting of the North Ridgeville City Council, September 7, 2010. Please rise for the invocation and pledge of allegiance.

INVOCATION: lead by President Corcoran.

PLEDGE OF ALLEGIANCE: by all.

ROLL CALL:

Present were Council Members Nancy Buescher, Dennis Boose, Richard Jaenke, Bob Olesen, Bernadine Butkowski, Roseanne Johnson and President Kevin Corcoran.
Also, present were Mayor David Gillock, Safety-Service Director Jeffry Armbruster, Law Director Andrew Crites, Auditor Chris Costin and Clerk of Council George Smith.

MINUTES - Corrections (if any) and Approval:

President Corcoran: You have before you the Council Minutes of special meeting held July 15, 2010 re: 2011 Budget . . .

moved by Butkowski, seconded by Olesen to approve all of these minutes:
Public Hearing Minutes of July 19, 2010 re: commercial/industrial driveway widths;
Public Hearing Minutes of July 19, 2010 re: rezoning;
Council Minutes of regular meeting held July 19, 2010;
Council Minutes of special meeting held July 26, 2010 re: rezoning;
Council Minutes of special meeting held August 2, 2010 re: sanitary sewer rates; and
Council Minutes of special meeting held August 2, 2010 re: Parks & Rec. Director

President Corcoran: Are there any comments or corrections to any of those minutes?
Council Member Boose: Mr. President, on the special meeting for July 15, the tape did not start until well after the discussion was being had on the subject and so there is quite a bit of information missing from the meeting minutes; particularly when I spoke and so I will be voting against that, because I don't believe this provides accurate depiction of the meeting. Thank you.
President Corcoran: We did have some tape issues that night. Any other comments about any of the other events?
Council Member Butkowski: Mr. President, I will rescind July 15. The rest of them I will leave in, so that we can then vote, as a group, on all the others.
Council Member Olesen: Mr. President, I will do the same with my second.

President Corcoran: Will there be any abstentions for any of these meeting minutes? Maybe, we would want to pull them out as well.
Council Member Butkowski: I thought it would be easy.
President Corcoran: Seeing none, it was moved by Butkowski, seconded by Olesen to approve the public hearing minutes of July 19 on driveway widths and the rezoning; the regular Council meeting minutes; the special meeting on July 26 regarding rezoning; the special meeting August 2 regarding the sanitary sewer rates and the special meeting held August 2 regarding Parks and Rec.'s Director. All those in favor of approving those minutes say aye. Those opposed say no.
Yes, 7 No, 0
President Corcoran: Those minutes are all approved.

Council Minutes of special meeting held July 15, 2010 re: 2011 Budget
moved by Butkowski, seconded by Jaenke to approve the July 15 special meeting
President Corcoran: Please call the roll, Mr. Clerk.
Yes, 5 No, 2 (Boose, Buescher)
President Corcoran: Minutes are approved.

President Corcoran: Please note:
Board of Drainage and Flood Control Minutes of regular meeting held April 27, 2010;
Parks and Recreation Commission Minutes of regular meetings held June 23, 2010 and July 28, 2010;
Civil Service Commission Minutes of regular meeting held July 20, 2010;
Planning Commission Minutes of regular meeting held August 10, 2010;
Board of Zoning and Building Appeals Minutes of regular meetings held July 22, 2010 and August 26, 2010.

LOBBY:

President Corcoran: We now come to the lobby session of the meeting. Just some ground rules for those of you who don't remember. Please approach the podium and state your name and address. You are limited to three minutes at a time and all the other rules are still in force. The lobby is open, please come on up.

1) Bruce Tomcik of 6190 Granite Lane spoke regarding storm water runoff and how the new proposed McDonald's and Panera Bread will affect the storm water run off due to the installation of additional pavement in the City. He recommended that City Council enact legislation requiring all new pavement be made of pervious materials.
moved by Boose, seconded by Buescher to allow this gentlemen up to an additional three minutes

President Corcoran: Any comments or questions? Those in favor say aye. Those opposed say no.

Yes, 7 No, 0

Bruce Tomcik continued to speak regarding the storm water runoff.

Mayor Gillock made comments regarding the number of man hours that the city of North Ridgeville has put into the effort of addressing the storm water run off issues and what requirements the City has for commercial development as it pertains to storm water run off. He explained all the steps that have been taken noting that they will take Mr. Tomcik's suggestion into consideration.

President Corcoran: Is there anybody else that would like to speak to Council?

2) Paul Papes of 5240 Lear Nagle spoke regarding a conversation he had with the Police Dispatcher in which he taped. He explained the chain of command whom he spoke within the Police Department regarding this issue. He explained that he requested a written report regarding the Dispatcher and the Sergeant who refused a written report. He spoke regarding the question he has had on numerous occasions regarding the truck traffic going down his street and why they aren't being stopped.

moved by Boose, seconded by Buescher to allow this gentlemen up to an additional three minutes with your discretion

President Corcoran: Could you call the roll?

Yes, 6 No, 1 (Olesen)

President Corcoran: Please continue.

Paul Papes continued to speak regarding a police report he received regarding a truck he reported to be traveling on his street and he believes this report was wrong because of the time that was logged on the report.

Mayor Gillock explained that trucks are allowed on that street if they are making deliveries and that the Police Department is not going to stop a truck on that street if they do not have any reason to stop them.

Council Member Olesen explained some examples of when he contacted the Police Department regarding truck traffic and the Police did take care of the problems. He explained that it does work, but the Police Department cannot man one street all day.

Council Member Johnson explained that this morning at 9:30 A.M. there was a very large beer truck, a Budweiser truck, heading north on Lear Nagle. She stated that she knows that there are no bars down there and therefore, this truck shouldn't have been traveling that road. She stated that there is room for improvement.

President Corcoran explained to Mr. Papes that Council is limited to what they are in charge of and that the Administration is in charge of the Police Department. He explained that he appreciated him bringing this to their attention, but the Administration would be the Department to go to for these types of issues.

Safety-Service Director Armbruster addressed Mr. Papes and stated that rather than sit down and discuss the issue with him, Mr. Papes chose to go to the Police Department himself and that he stated that the Administration is responsive to everyone and all residents and their complaints. Mr. Papes chose not to accept his assistance, but too rather have his own conversation with the Dispatcher.
President Corcoran: Is there anybody else that would like to address Council? Seeing none, we are moving on to the Administrator's reports. Mr. Mayor.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you, Mr. President. Many of you will notice that some people say that I am kept in the dark. Well, today, I truly am as my light's out. I have a couple of items here. I wanted to let Council know that first, at one time in the past, we granted a tax abatement to Summit Tool who have not lived up to their agreement and we went after them for the accumulative total that ended up being 80,000 dollars of which, 60,000 dollars was owed to the school and 20,000 to the City. We agreed to let them pay half of it last year which they did and the other half this year which we have received. When we make an agreement with you for tax abatement, we expect you to live up to it and if you don't, then we expect you to pay it back and Summit Tool did that. I wanted you to know that we have received those funds.

Secondly, I wanted to bring you up to date on the Olde Towne Hall improvements. The building has been cleaned and the bell tower has been cleaned, painted and screened off. Doors have been installed. All the brick work and tuck pointing is done. New chimneys were built on the building if you haven't seen them; they are marvelous. The interior hall has been built and the painting done. The exterior repairs have been done. The exterior fire escape has been cleaned, repaired and painted and new foundations were installed to support it. We are still working on the half wall up front. All the old heating ventilating and air-conditioning units have been removed from the basement area. Those used to be in kind of a cellar, which is hard to get to and the water heater was behind that. That has all been removed and repaired and those units are now upstairs where they are accessible. One of the units is still in shipment. Really, the only major thing left to be done is the chairlift. We have had discussions with the manufacturer and supplier and they are waiting on an underwriter's lab testing for the new model. So, we are hoping to have that delivered some time in January. We have until June to complete the project. So, we are well within the time line and the budget. If you haven't taken a look at the Olde Towne Hall lately, when you drive by, please do. It is just a fabulous old building and it is in pretty good shape now that we've had a lot of work done. It is a really good looking building

The last thing I want to do this evening and the Cameraman is going to have to swivel his camera

around real quick. I would like to introduce our new Parks and Recreation Director. Some of you have met him and some of you haven't. Kevin Fougerousse. Kevin, if you would stand. I think tomorrow will complete his first week and we've already got him embroiled in controversy, improvements and a lot of things. We are glad to have him on board. If you haven't met him, please make an effort to do so. I know Councilman Butkowski and Councilman Buescher met him at our Engineer's retirement party, who retired and Friday was his last day. We are working on his replacement, but we really welcome Kevin aboard and look forward to a lot of great things. Thanks for being here, Kevin. That concludes by report.
President Corcoran: Thank you, Mayor. Mr. Armbruster.

B. Safety-Service Director:

Safety-Service Director Armbruster: No report.

C. Engineer:

President Corcoran: Thank you, Mr. Safety-Service Director. As the Mayor mentioned, there is no Engineer tonight. Mr. Auditor.

D. Auditor:

Auditor Costin: Thank you, my only item was the written report for July that has already been passed out to Council Members and you should have received it. No other comments.
President Corcoran: Thank you, Mr. Costin.

E. Other Reports:

President Corcoran: Please note:
Water System Operation Report for June and July 2010;
Police Department Quarterly Report April - June 2010;
Fire Department Report for July 2010;
Police Department Support Car Report for July 2010;
Building Department Report for June and July 2010; and
Mayor's Court Report for July 2010.

COUNCIL COMMITTEE REPORTS:

President Corcoran: There are no Council Committee reports. Moving onto correspondence.

CORRESPONDENCE:

Clerk of Council Smith: Correspondence

1) Received a letter from Lorain Public Library System Assistant Director Toni R. Whitney, proving the 5th annual financial update to expenditures from the 1.91 mill operating levy approved by voters August 2004.

2) Received a memo from Engineer Larry Griffith notifying Council that all work and/or repair in the Woods of Stradford Subdivision has been satisfactorily completed and recommends it receive final acceptance by Council.

3) Received a letter from Ohio EPA Director Chris Korleski notifying Council of approval of the detail plans for Ruby Road waterline extension, proposed waterline extension, about 700 feet of 12-inch pipe in Ruby Road extending east from a point 200 feet east of Root Road to serve Ruby Road.

4) Received a memo from Engineer Larry Griffith notifying Council that all work and/or repair in the Avalon Estates Subdivision No. 1 has been satisfactorily completed and recommends it receive final acceptance by Council.

5) Received a memo from Engineer Larry Griffith notifying Council that all work and/or repair in the Avalon Estates Subdivision No. 2 has been satisfactorily completed and recommends it receive final acceptance by Council.

6) Received a memo from Engineer Larry Griffith notifying Council that all work and/or repair in the Stone Creek Estates Subdivision No. 1 has been satisfactorily completed and recommends it receive final acceptance by Council.

7) Received a memo from Engineer Larry Griffith notifying Council that all work and/or repair in the Stone Creek Estates Subdivision No. 2 has been satisfactorily completed and recommends it receive final acceptance by Council.

8) Received a memo from Engineer Larry Griffith notifying Council that all work and/or repair in the Windsor Point Subdivision No. 1 has been satisfactorily completed and recommends it receive final acceptance by Council.

9) Received a memo from Engineer Larry Griffith notifying Council that all work and/or repair in the Windsor Point Subdivision No. 2 has been satisfactorily completed and recommends it receive final acceptance by Council.

Clerk of Council Smith: That concludes the correspondence.

President Corcoran: Thank you.

OLD BUSINESS:

President Corcoran: We have no old business, so I will move right on to new business.

NEW BUSINESS:

Clerk of Council Smith:
Planning Commission recommendations to Council of their regular meeting August 10, 2010:

APPLICANT: Mayor G. David Gillock, City of North Ridgeville, 7307 Avon Belden Road
OWNER: Russell Draudt, Dreco, Inc., 7887 Root Road
REQUEST: Dedication of 900 foot roadway to be known as Ruby Road
LOCATION: 7887 Root Road; in an I-1 District
Permanent Parcel No. 07-00-015-110-046
PC ACTION: Approved by a vote of five to zero.
moved by Olesen, seconded by Jaenke to accept Planning Commission's recommendation
President Corcoran: All those in favor say yes. Those opposed say no.
Yes, 7 No, 0
President Corcoran: Recommendation is accepted.

Clerk of Council Smith:
APPLICANT: Stan Katanic, Pulte Homes of Ohio LLC, 475 Heritage Woods Drive, Copley, Ohio, 44321
OWNER: Pulte Homes of Ohio LLC, 475 Heritage Woods Drive, Copley, Ohio, 44321
REQUEST: Final plat approval for Pioneer Ridge Phase 8 in Waterbury PCD
LOCATION: East of Bender Road, north of corporation limit and south of Pioneer Ridge Phase 7 in a PCD District
Permanent Parcel No. 07-00-036-000-002, 07-00-037-000-531, 07-00-037-000-532 and 07-00-037-000-533
PC ACTION: Approved by a vote of five to zero.
moved by Olesen, seconded by Jaenke to accept Planning Commission's recommendation
President Corcoran: All those in favor say yes. Those opposed say no.
Yes, 7 No, 0
President Corcoran: Recommendation is accepted.

APPLICANT: Megan Ligaya Gardner, North Hero Land Company, Inc. 32231 Lorain Road
OWNER: North Hero Land Company, Inc., 5045 North Barton Road
REQUEST: Approval to construct a 4,260 square foot building for a Panera Bread franchise with an exit and entrance on Lorain and Cook Roads; with a Patio and

Drive-Thru
LOCATION: 32231 and 32151 Lorain Road and Cook Road in a B-3 District
Permanent Parcel Nos. 07-00-004-110-041, 07-00-004-110-047 and 07-00-004-110-005
PC ACTION: Approved by a vote of five to zero.
moved by Olesen, seconded by Jaenke to accept Planning Commission's action
President Corcoran: Clerk, please call the roll.
Yes, 6 No, 0 Abstain, 1 (Boose)
Clerk of Council Smith: Measure approved with one abstention.

Clerk of Council Smith:
Request for a new D3 liquor permit from Café 83 LLC, 36033 Westminister Avenue, 1st Floor
moved by Butkowski, seconded by Jaenke to approve
President Corcoran: I would ask that you rescind your motion or amend it, because normally, we would move to not request a hearing so that we can send it for final disposition with the State. Normally, Mrs. Buescher would chime in.
Council Member Buescher: I was going to, too. We have to take a look at that because of the neighbors and that situation. It is not a renewal or moving a license from one place to another.
President Corcoran: Are you asking that we actually review the application, then?
Council Member Buescher: Well, we would have to have a public hearing. Right?
President Corcoran: We've done these before. It would still go to the State for final disposition. What I'll ask actually, instead of a motion, is if there is any objection to not request a hearing?
Mayor Gillock: Mr. President, just a comment. The way these normally work is a request comes through, through the State. The State contacts us and asks if we want a hearing. If we don't respond, they wait 30 days to hear from us and what we've been doing is, unless we wanted a hearing by Council motion, we said, "let's go ahead and tell them that we don't want a hearing," and that just eliminates the 30-day waiting period. That is all this really is. So, unless you want to have a hearing.
President Corcoran: So, where I was going with that is, there any objection to not have a hearing so that we can send this to the State for final disposition? Seeing none, we will send it to them. Moving on to T 91.

Ordinance and Resolution Submittals:

Clerk of Council Smith:
T 91-2010 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT(S) WITH VARIOUS VENDORS OF IT SERVICES, WHICH WILL INCLUDE CONSULTING, EQUIPMENT, AND LICENSING, IN ORDER TO CONVERT THE CITY'S COMPUTER NETWORK FROM NOVELL TO MICROSOFT WINDOWS, NOT TO EXCEED $70,000.00.

Law Director Crites: I believe that it has been proposed to amend this ordinance by substitution as we discussed during the work session. A little house cleaning was done inside the body of the ordinance to remove funds that did not need to be approved by Council that were previously appropriated. Am I correct?
Mayor Gillock: Yes, it changes the amount in the ordinance from 70,000 dollars to 52,000.
Law Director Crites: So, in order to do so, I think it has been distributed to you. We would just need a Council Member or the Mayor to make a motion to amend the ordinance by substituting the same which has been distributed.

moved by Olesen, seconded by Johnson to amend T 91 by substitution

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

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

Clerk of Council: One abstention, it passed.
President Corcoran: T 91 is now amended by substitution.
Law Director Crites: Then it should be read as amended.
President Corcoran: He already read it once.
Law Director Crites: Strike that.
Council Member Johnson: He did read it, but I believe he said 70,000 instead of 52.
Law Director Crites: It probably would be good practice to read it as substituted, just to make it part of the record, because that is an important part of what happens as we changed the amount to a lesser amount.

Clerk of Council Smith:

T 91-2010 Substitute — AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT(S) WITH VARIOUS VENDORS OF IT SERVICES, WHICH WILL INCLUDE CONSULTING, EQUIPMENT, AND LICENSING, IN ORDER TO CONVERT THE CITY'S COMPUTER NETWORK FROM NOVELL TO MICROSOFT WINDOWS, NOT TO EXCEED $52,000.00.

Clerk of Council Smith:

T 92-2010 — AN ORDINANCE AMENDING ORDINANCE NO. 3482-99 WHICH ESTABLISHED THE SALARY FOR THE NORTH RIDGEVILLE CITY ENGINEER.

Mayor Gillock: Mr. President, just a comment. I'm not going to make a motion to give this a first reading tonight. We are in the process of interviewing Engineers and moving forward and it is going to take us some time. We had 30 some applicants and we are interviewing number 29. We still have, like, seven to go. At this point, it looks like we may have to call some back for a second interview. So, it is going to take a while. The point of this ordinance is the salary of the City Engineer. Right now, by ordinance, it is tied to the Police Chief's. It is the same as the Police Chief's. It doesn't make sense to me that a new Engineer coming on with the City, at entry level, should be paid the same as the Police Chief with 30 some years of experience. In this

economic climate, I think that makes a difference. So, by adjusting this to the 70,000 to 83,000 dollar range shown, I believe we can save in excess of 20,000 in salary alone for the Engineering position. Before we hire the new Engineer; maybe at the next meeting, if not two meetings from now, to get this in place.
President Corcoran: Thank you. Mr. Armbruster, I just want to go back to T 91. Didn't you mention at the work session that you would like to see that happen sooner, rather than later?
Safety-Service Director Armbruster: No.
Mayor Gillock: No, we don't need that this evening.

President Corcoran: T 93.
Clerk of Council Smith:
T 93-2010 AN ORDINANCE AMENDING NRCO SECTION 618.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE, ADDING LANGUAGE TO MAKE CLEAR THE INTENT OF THE ORDINANCE.

President Corcoran: T 94
Clerk of Council Smith:
T 94-2010 AN ORDINANCE ENACTING A NEW CHAPTER ENTITLED: LEGAL GAMING REGULATIONS FOR SWEEPSTAKES TERMINAL CAFÉS OR FOR SIMILAR INTERNET AND FREE-STANDING LEGAL GAMING DEVICES AS APPLICABLE.
Mayor Gillock: Mr. President, this ordinance has been brought forth and it's ironic that in this morning's Journal, there's an article about sweepstakes cafes opening up around the area. Sweepstakes Cafes are store fronts where they buy a minutes usage card and have computer access. That is about all I know about them. The article says that they are similar to playing slot machines. They are becoming quite prevalent. It is still kind of a grey area in the State as to whether they are legal or not. We closed one down in North Ridgeville a year or so ago, not just because of that, but for some other reasons. We had an applicant come in that wanted to put one of these in, in an area that was not zoned for and Planning would not rezone it. So, we have had a couple of exposures already. As this article points out, there are at least four cafes already in Vermilion, Elyria, and Sheffield Lake. We know that they are in Parma and some other Cities. We felt that it would be prudent, at this time; at least to be on the safe side, to take one of the ordinances that is in place and adapt it so, at least, if they are looking to come here or if it is finally determined that they are legal, we'll have some regulations in place. That is the purpose of T 94-2010. Thank you.
President Corcoran: Thank you. T 95.

Clerk of Council Smith:
T 95-2010 A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY (OEPA)

AND OHIO WATER DEVELOPMENT AUTHORITY (OWDA) FOR FUNDS THROUGH THE WATER POLLUTION CONTROL LOAN FUND (WPCLF) FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT EQUIPMENT REPLACEMENT I/I IMPROVEMENT PLANNING ACTIVITIES PROJECT, IN THE APPROXIMATE AMOUNT OF $592,000.00.

Mayor Gillock: Mr. President, T 95 and T 96 I would like to speak to again for just a little bit. These have a deadline of September 24; so if possible, we would like to get these passed this evening. These are resolutions authorizing us to apply for loan funds through the Water Pollution Control Loan Fund. Frankly, we have no intention of borrowing money from the loan fund. These are applications that are needed for our Consultant, Johnson and Anderson to be able to apply for State stimulus funds. I believe, at this point, it was Federal and now they are saying that they are State, to get grant money to do these projects at no cost to us. This Administration has no interest, at this point in the game, of incurring any debt. Even if we pass these, there is no money appropriated for them. The Auditor, I am sure, will not sign a purchase order. I wouldn't ask him to. I wasn't at the work session and I apologize. I had the same questions about the wording prior to the work session that you had, but this; as we have shown you in email correspondence, that the sole object of these is to qualify them to apply for grant money and there is no intent or desire to incur any debt on behalf of the City. Thank you.

moved by Olesen, seconded by Butkowski to give T 95 its first reading tonight

President Corcoran: Any comments or questions?

Council Member Boose: So I take it that the wording that we talked about and that the Law Director talked about at the work session, we are not going to make that change?

Mayor Gillock: The Ohio EPA emphasized that the loan process is not a commitment and that the City can choose to abort the program. The word, negotiate, is not acceptable. It was rejected even though the Consultant didn't point it out. They didn't really give us alternative wording. As I pointed out in the email today, one of the statements that they made is that if the question of principal forgiveness is still out there, that is what we are looking for is principal forgiveness. We are not looking to borrow money. We are looking for a program, as indicated to us by the Consultant, that when we go through this process, they apply for the funds and then we get a grant that says, if we do certain things, the principal is forgiven. We don't have that guarantee yet. Until we get that guarantee, we are not moving forward with the project. We need these resolutions to allow them to take the next step. They didn't give us any alternative wording.

Council Member Boose: Understanding that it is a resolution and not an ordinance, but again, in T 95 and T 96 nowhere in the legislation nor in the accompanied attachments that talk about the program, does the word grant come into play. It never says grant.

Mayor Gillock: They call it principal forgiveness.

Council Member Boose: This actually says that by approving this, we authorize you to enter into an agreement for a loan.

Mayor Gillock: You don't trust me?

Council Member Boose: Not that I don't trust you at all, you're the Mayor.

Mayor Gillock: I'm just kidding you. I asked the same question of the Auditor, the day before the special meeting. The way this is written; if I was a Council person, I would also question it. The point I am making, even though the resolution authorizes me to apply for a loan, we still have not appropriated the money and you can't spend it without a purchase order. So, there are still checks and balances there that even if I was crazy enough to try and go borrow a million and a half bucks without anybody's approval, it can't be done without Council's support. I would also ask for Mr. Costin's input, if that would help.
Council Member Buescher: Mr. President, the Consultant's made it clear that the State requires that the name of one person be in the legislation and therefore, that is why the Mayor's name is in there.
President Corcoran: I believe, Chris, the comment that we are looking from you is that just because it says he can, doesn't mean that we'll fund it.
Auditor Costin: We have a couple of issues, but if I might regress back to the meeting that we had internally, this was all discussed. What the Mayor had just reiterated is what was discussed and is what I had remembered at that meeting and is what I disclosed to you in our work session. That is exactly what I recall. The conundrum we ran into was to make the applications, there was certain terminology or certain factors that were in the instructions that had to be included in the resolution or the ordinance and I believe that is how it came to be. As the Mayor and I were discussing; interestingly enough, our Charter mandates that before we pass any legislation requiring the expenditure of funds, the Auditor has to certify that the funds are available. So, if what the Mayor has just disclosed is incorrect and I did get copied on the same emails as the rest of you did, we then have been misled by the Ohio EPA and technically our legislation would be void anyway. So, again, the conundrum that we have is that we need to do these things to get to the next step and if, in fact, we can pull the trigger at any point in time, then we don't have a commitment for the expenditure of those funds and yes, in followup, even if we were allowed to receive those proceeds and expend those monies, that indeed would require Council action, at least, to expend the monies. Otherwise, we would just take that check and have to send it right back.
Council Member Boose: Thank you. I for one, understanding the financial situation that the City is in, especially in the sewer fund and understanding that one of these is addressing the North Ridgeville Sanitary Sewer Enterprise Fund, which is T 96; T 95 is the French Creek Wastewater Treatment Plant Enterprise Funds. I certainly, at this point in time, would not be in favor of going into any type of loan agreement, specifically, based upon the information that the Deputy Auditor gave us in regards to how much T 95 would add to the bill per home, which would equate to about a 48 percent increase in and of itself; not counting anything else that we are talking about for 2011; not counting any other adjustments that may be made with other projects going back and forth. I am 100 percent in favor of trying to find any kind of avenue we can get, especially grants, to try to move that process along with I and I and everything that we need to do out there. I want to thank the Safety-Service Director for leading the discussion during our work session for that and with the Consultants because it is ultimately important. To do nothing is not

the answer, but we can't put it on the backs of our residents either, not at this point in time. I just want to make sure that we all understand that this does not require us to borrow this money.
Auditor Costin: I can't give you legal interpretation. All I can do is respond to the same information from the source that you all read.
Council Member Boose: Perhaps then, I can direct through the Chairman to the Law Director that, is it your legal opinion that this does not require us to spend the money if we are awarded the opportunity to borrow money?
Law Director Crites: I think the way this breaks out is that, if this is passed; if you consider the absurd, which is often what we have to do and that is that our Mayor went renegade and went and borrowed money; that we all know that we don't want him to or we don't have to borrow, he would be entering into an agreement, which would be unenforceable against the City because it would lack Council's authorization.
Council Member Boose: Thank you.
Mayor Gillock: Mr. President, I just wanted to add a comment that supports exactly what Mr. Boose is saying. The reason for this is just as the gentleman that was speaking during the lobby about storm water issues. The purpose of these is that we know in our sanitary sewer system there are leaks. There are always leaks and they get worse. We don't have excess funds to address issues like that so, we are looking for opportunities to make improvements at the least or no cost, if possible. That is why we are looking at this principal forgiveness. We are not looking to incur additional debt. If we can get something out of this that helps us make our system more efficient and save our taxpayers' dollars, then good. If we can't, then we don't do it. Thank you.
Council Member Butkowski: Mr. Chairman, if we get this planning done, if and when federal money would come out, as it has been recently, if you are ready to go, then you are the one that gets the money. So, if we can get this started, then we could be, hopefully, first in line or at least ready to get it. It is to our advantage to do this. I don't see any problem at all with this.
President Corcoran: Anybody else?
Auditor Costin: Just one comment with regard to what Mr. Boose was referring to. Per the work session, you requested from the Auditor's office some feed back. We converted the cost of the debt service if we did go forward and borrow the 592,000 and 993,000 accordingly and you should have all received that. That would convert for the French Creek system. The increase for our portion that we pass through North Ridgeville would be an average of 63 cents per month, per customer. The other project, which is strictly the sanitary sewer system of North Ridgeville, would be a dollar, 77 per month on the average, per customer. Those would be significant rate increases that we would have to bear. Again, this is for the study itself. We still haven't fixed anything. This is just for the study. Hopefully, I would agree with the Mayor that in his conclusion that if we can't get some financial assistance, it is probably going to be not the right time to go back and raise our rates at this specific time.

President Corcoran: There is a motion on the floor by Mr. Olesen and a second by Mrs. Butkowski to give T 95 a first reading this evening. All those in favor say yes. Those opposed say no.

Yes, 7 No, 0

President Corcoran: T 95 will have its first reading this evening. T 96.

Clerk of Council Smith:

T 96-2010 A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY (OEPA) AND OHIO WATER DEVELOPMENT AUTHORITY (OWDA) FOR FUNDS THROUGH THE WATER POLLUTION CONTROL LOAN FUND (WPCLF) FOR THE NORTH RIDGEVILLE COLLECTION SYSTEM I/I IMPROVEMENTS AND SEPTIC SYSTEM ELIMINATION PROGRAM PLANNING ACTIVITIES PROJECT, IN THE APPROXIMATE AMOUNT OF $993,000.00.

moved by Olesen, seconded by Butkowski to give T 96 a first reading this evening

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

Yes, 7 No, 0

President Corcoran: T 96 will have its first reading this evening. That is the end of new business.

RECESS:

moved by Butkowski, seconded by Boose to suspend the recess

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

Yes, 7 No, 0

President Corcoran: Recess is suspended. First readings

FIRST READING:

Clerk of Council Smith:

T 85-2010 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A 48-MONTH AGREEMENT WITH LEASE SERVICING CENTER DBA NATIONAL COOPERATIVE LEASING FOR THE LEASE AND SUPPORT/MAINTENANCE OF EIGHTEEN (18) NEW COPIERS/ PRINTERS/FAX MACHINES, NOT TO EXCEED $60,000.00/YEAR. First Reading

Mayor Gillock: Mr. President, we do not want to pass this one this evening. I misconstrued this one with the one going from Novell to Microsoft earlier. That is the one we do need to pass this evening which I will bring up at the end of the evening. This one we do not want to do anything

with tonight, other than let it pass through, because we have some work to do on it. I'll find the other one and at the end of the evening, I will bring it back up.
President Corcoran: That was T 91 you are talking about?
Mayor Gillock: That is correct.
President Corcoran: T 90.

Clerk of Council Smith:
T 90-2010 AN ORDINANCE APPROVING THE FINAL PLAT OF WATERBURY PCD PHASE 6 FOR RECORDING PURPOSES ONLY.
First Reading

T 95-2010 A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION
1210-2010 WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY (OEPA) AND OHIO WATER DEVELOPMENT AUTHORITY (OWDA) FOR FUNDS THROUGH THE WATER POLLUTION CONTROL LOAN FUND (WPCLF) FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT EQUIPMENT REPLACEMENT I/I IMPROVEMENT PLANNING ACTIVITIES PROJECT, IN THE APPROXIMATE AMOUNT OF $592,000.00.
First Reading
moved by Olesen, seconded by Butkowski to dispense with the second and third reading for T 95
President Corcoran: Any questions or comments? All those in favor say yes. All those opposed say no.

Yes, 7 No, 0

moved by Olesen, seconded by Butkowski to adopt
moved by Olesen, seconded by Butkowski to add the emergency clause to T 95 because it is due into the State this month
President Corcoran: Any comments or questions on the emergency clause? All those in favor say yes. All those opposed say no.

Yes, 7 No, 0

President Corcoran: It was moved by Olesen and seconded by Butkowski to adopt T 95 with the emergency clause. Any comments or questions? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Smith: Measure was unanimously approved. It becomes resolution number 1210-2010.

Permanent Resolution No. 1210-2010

Clerk of Council Smith:
T 96-2010 A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION
1211-2010 WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY (OEPA)

AND OHIO WATER DEVELOPMENT AUTHORITY (OWDA) FOR FUNDS THROUGH THE WATER POLLUTION CONTROL LOAN FUND (WPCLF) FOR THE NORTH RIDGEVILLE COLLECTION SYSTEM I/I IMPROVEMENTS AND SEPTIC SYSTEM ELIMINATION PROGRAM PLANNING ACTIVITIES PROJECT, IN THE APPROXIMATE AMOUNT OF $993,000.00.

First Reading

moved by Olesen, seconded by Butkowski to dispense with the second and third reading for T 96

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

Yes, 7 No, 0

moved by Olesen, seconded by Butkowski to adopt

moved by Olesen, seconded by Butkowski to add the emergency clause to T 96 because it is due into the State this month

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

Yes, 7 No, 0

President Corcoran: It was moved by Olesen and seconded by Butkowski to adopt T 96 with the emergency clause. Any comments or questions? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Smith: Measure was unanimously approved. It becomes resolution number 1211-2010.

Permanent Resolution No. 1211-2010

President Corcoran: Mr. Mayor, did you want to bring up T 91 at this point?

moved by Mayor Gillock, seconded by Boose to request Council to reconsider T 91 at this time

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

Yes, 7 No, 0

moved by Mayor Gillock, seconded by Boose to give T 91 a first reading this evening

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

Yes, 7 No, 0

President Corcoran: T 91 will receive its first reading.

Clerk of Council Smith:

T 91-2010 Substitute 4771-2010 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT(S) WITH VARIOUS VENDORS OF IT SERVICES, WHICH WILL INCLUDE CONSULTING, EQUIPMENT, AND LICENSING, IN ORDER TO CONVERT THE CITY'S COMPUTER NETWORK FROM NOVELL TO MICROSOFT WINDOWS, NOT TO EXCEED $52,000.00
First Reading
moved by Mayor Gillock, seconded by Boose to dispense with the second and third reading for T 91

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

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

Clerk of Council Smith: Measure passed with one abstention.

moved by Boose, seconded by Butkowski to adopt
moved by Mayor Gillock, seconded by Boose to add the emergency for the welfare of the residents as this system will give us better security and will give us the ability to do more applications with the system with less glitches and takes us to industry standard, which will make our system much more efficient

President Corcoran: Clerk, please call the roll.

Yes, 6 No, 1, (Buescher)

Clerk of Council Smith: Measure passes with one no vote.

President Corcoran: Emergency clause is added to T 91.

Council Member Buescher: Mr. President, I made an error in my vote. I voted no and I should have abstained.

President Corcoran: Is there any objection to Mrs. Buescher changing her no vote to abstain?

Vote on the emergency:

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

President Corcoran: Mr. Boose and Mrs. Butkowski moved and seconded to adopt T 91 with the emergency clause. Clerk, please call the roll.

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

Clerk of Council Smith: With one abstention, it passes.

President Corcoran: It becomes ordinance number?

Clerk of Council Smith: 4771-2010.

Permanent Ordinance No. 4771-2010

President Corcoran: That brings us to the end of first readings.

SECOND READINGS:

President Corcoran: There are no second readings. Moving on to the third readings. T 76.

THIRD READINGS:

Clerk of Council Smith:

T 76-2010 AN ORDINANCE REPEALING ALL PROVISIONS AND SECTIONS OF ALL
4772-2010 ORDINANCES CONTAINING INCORRECT JOB TITLE(S) REFERRING TO THE DEPARTMENT HEAD OF COMPUTER SERVICES AS ANYTHING OTHER THAN "INFORMATION SERVICES DIRECTOR/NETWORK COORDINATOR" AND REPLACING THOSE PROVISIONS/SECTIONS WITH THE CORRECTED JOB TITLE.
Third Reading
moved by Buescher, seconded by Jaenke to adopt T 76

President Corcoran: Are there any comments or questions? Clerk, please call the roll.
Yes, 7 No, 0
Clerk of Council Smith: It passed unanimously, sir.
President Corcoran: It becomes ordinance number?
Clerk of Council Smith: Ordinance number 4772-2010.
Permanent Ordinance No. 4772-2010

President Corcoran: T 77
Clerk of Council Smith:

T 77-2010 AN ORDINANCE CREATING A NEW CLASSIFICATION AND
4773-2010 ESTABLISHING THE QUALIFICATIONS FOR THE FULL-TIME POSITION OF ASSISTANT CHIEF BUILDING OFFICIAL.
Third Reading
moved by Buescher, seconded by Johnson to adopt T 77

President Corcoran: Are there any questions or comments? Clerk, please call the roll.
Yes, 7 No, 0
Clerk of Council Smith: Unanimously accepted.
President Corcoran: It becomes ordinance number?
Clerk of Council Smith: 4773-2010.
Permanent Ordinance No. 4773-2010

President Corcoran: T 78
Clerk of Council Smith:

T 78-2010 AN ORDINANCE AMENDING THE ORIGINAL DEPARTMENT HEAD
4774-2010 SALARY ORDINANCE NO. 2725-93 AND SUBSEQUENT AMENDMENTS THERETO UP TO AND INCLUDING THE MOST RECENT AMENDMENT REFLECTED IN ORDINANCE NO. 4580-2008 BY INCLUDING THE FULL-TIME POSITION OF ASSISTANT CHIEF BUILDING OFFICIAL, AND ESTABLISHING THE PAY RATE SCALE FOR THIS POSITION.
Third Reading
moved by Buescher, seconded by Jaenke to adopt T 78

President Corcoran: Are there any comments or questions?
Council Member Boose: Mr. President, just a note that it is my understanding that there is no increase in salary for whomever might be in this position. Correct?
Mayor Gillock: This is not a new hire. I think we are moving a person from their current position to this position. There might be a small increase at a few hundred bucks, I thought.
Auditor Costin: I believe that is the case. I don't remember how much it was, but it was very minimal and I believe you and I actually talked about that a while back, if you might remember. The intention was to line up a position with a similar position. It was inconsequential. It was a couple hundred dollars at the most for the year, as I recollect. Thank you.
President Corcoran: Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Smith: Unanimously accepted and becomes ordinance number 4774-2010.

Permanent Ordinance No. 4774-2010

President Corcoran: T 65.
Clerk of Council Smith:

T 65-2010 AN ORDINANCE AMENDING NRCO SECTION 1030.12, DUTIES OF
4775-2010 PRIVATE OWNERS.
Third Reading
moved by Buescher, seconded by Johnson to adopt T 65

President Corcoran: Are there any comments or questions?
Council Member Boose: Yes, Mr. President, I just want to make sure we noted as my records indicate that under Section 1 (c), on the back of the page, we eliminated the that last word "or" and under (d) added a semicolon and the word "and." Is that your recollection? So now it reads, remove and refrain from planting any of the trees listed in Section 1030.07; (d), remove any other obstructions causing a hazard to public spaces; and (e).
President Corcoran: Correct. We had to do all of the above. Again, it was moved by Buescher and seconded by Johnson to adopt T 65. Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Smith: Unanimously accepted.
President Corcoran: It becomes ordinance number 4775-2010.

Permanent Ordinance No. 4775-2010

President Corcoran: T 66
Clerk of Council Smith:

T 66-2010 AN ORDINANCE AMENDING NRCO SECTION 1290.05, PERMIT
Substitute APPROVAL; CONSTRUCTION REQUIREMENTS TO REFLECT NEW
4776-2010 STANDARDS FOR DRIVEWAY WIDTHS IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS, AND REPEALING AND DELETING CERTAIN PORTIONS OF SECTIONS 1268.04 LOT AND YARD REQUIREMENTS, SECTION 1270.04 LOT AND YARD REQUIREMENTS, AND SECTION 1274.06 YARDS THAT WILL BE IN CONFLICT WITH

NRCO SECTION 1290.05 AS AMENDED.
Third Reading
moved by Buescher, seconded by Jaenke to adopt T 66 as substituted
President Corcoran: Are there any comments or questions?
Council Member Butkowski: Mr. Chairman, I will be voting no on this because it is reducing the size of the driveways and some places, we have small enough driveways now. People are turning into these driveways and they aren't even staying on the driveway. So, I don't think we should be reducing their width.
President Corcoran: Clerk, please call the roll.
Yes, 6 No, 1 (Butkowski)
Clerk of Council Smith: One no vote and it passed
President Corcoran: It becomes ordinance number 4776-2010.
Permanent Ordinance No. 4776-2010

COMMITTEE MEETING ANNOUNCEMENTS:

President Corcoran:
Public Hearing to be held Monday, September 20, 2010 at 7:20 P.M. re: final plat approval for Phase 6 in Waterbury PCD

Next Regular Council Meeting Monday, September 20, 2010 at 7:30 P.M. in Council Chambers

Public Hearing to be held Monday, October 18, 2010 at 7:20 P.M. re: final plat approval for Pioneer Ridge Phase 8 in Waterbury PCD

ADJOURNMENT:

moved by Butkowski, seconded by Jaenke to adjourn
President Corcoran: All those in favor of adjourning say yes. Those opposed say no.
Yes, 7 No, 0

Meeting adjourned at 8:53 P.M.

Approval of Minutes:

These Minutes were approved at a regular meeting of the North Ridgeville Municipal Council on September 20, 2010:

PRESIDENT OF COUNCIL KEVIN CORCORAN CLERK OF COUNCIL GEORGE E. SMITH