

**NORTH RIDGEVILLE MUNICIPAL COUNCIL  
MINUTES OF  
REGULAR MEETING                      JULY 7, 2008**

**CALL TO ORDER:** 7:30 P.M.

President Butkowski: I'd like to call the regular meeting, Monday, July 07, to order. Will everyone please stand for the invocation followed by the pledge of allegiance?

**INVOCATION:** lead by President Butkowski.

**PLEDGE OF ALLEGIANCE:** by all.

President Butkowski: Clerk, please call the roll.

**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, Law Director Andy Crites, Engineer Larry Griffith, Auditor Chris Costin and Assistant Clerk of Council Paula Cope

**MINUTES - Corrections (if any) and Approval:**

Public Hearing Minutes of June 16, 2008

moved by Corcoran, seconded by Jaenke to approve

President Butkowski: Are there any corrections? Please call the roll.

Yes, 7                      No, 0

Assistant Clerk of Council Cope: Minutes have been approved by a vote of seven to zero.

Council Minutes of regular meeting held June 16, 2008

moved by Jaenke, seconded by Olesen to approve

President Butkowski: Are there any corrections?

Council Member Boose: Madam President, on page seven; the fourteenth line from the bottom; where it says legal precedence. That actually should be spelled precedents. The same misspelling occurs in line seventeen from the bottom. It sounds the same, but it is spelled differently. Are there any other corrections? Clerk, please call the roll.

Yes, 7                      No, 0

Assistant Clerk of Council Cope: Minutes have been approved as corrected by a vote of seven to zero.

President Butkowski: Please note the:

Civil Service Commission minutes of the regular meeting June 17, 2008;

Board of Zoning and Building Appeals minutes of the regular meeting June 26, 2008; and

Park and Recreation minutes of the regular meeting May 28, 2008.

President Butkowski: We'll move on to our lobby.

**LOBBY:**

President Butkowski: I'm asking anyone, who would like to address Council tonight, to fill out the form that you can find 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. We will have no interaction tonight. All questions will be answered after the meeting or you will be contacted later. You will have three minutes to address your Council. Is there anyone interested in speaking tonight?

1) Donald Vandrasik of 34567 Lorain Road spoke regarding the Master Plan and how sometimes, it is thought to be a living document that can be changed and how other times it is referred to as being a document that is sketched in stone. He agreed with the suggestions made in an article written by the local news media regarding who should be on the Master Plan Review Committee and read those suggestions.

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

2) Lois Sullivan of 5880 Jaycox Road spoke regarding her opposition to the lobby session and the order in which it falls on Council's agenda.

President Butkowski: Thank you. Is there anyone else that would like to speak? Hearing none, we'll move on to the Administrative reports. Mr. Gillock?

**ADMINISTRATORS REPORTS:**

**A. Mayor:**

Mayor Gillock: Thank you, Madam President. Although, we had to cancel the party in the park prior to the fireworks, our fireworks were able to go off last Thursday, without a hitch and we received many compliments regarding the show. I would like to explain why we have the fireworks on July 3rd, rather than the 4th, as several people have asked. When we explain, they are generally very receptive.

A few years ago, fireworks were not held one year due to budget concerns. This administration brought them back, but when we contacted a pyrotechnic firm, July 4 was already booked up. Therefore, we went with the 3rd. We have learned a couple things that have convinced us to stay with the 3rd.

First, July 4th demands a slightly higher cost being held directly on the holiday. But more importantly, we have learned that many families prefer the 3rd, because usually and not this year, but usually, July 5th is a work day. Having them on the 3rd allows them to stay up late with the kids and sleep in the next day. Of course, if they still want to see fireworks on the 4th, there are plenty around to travel to. But it seems like the majority we talk to like the 3rd and we are seeing lots of people from surrounding cities in our fair City on July 3rd.

My second item this evening, is T 93. T 93 is our ordinance for the purchase of road salt for the upcoming season. We need that passed with the emergency tonight. We buy our salt from the state bid list, so that we have a guaranteed supply and that bid is expiring before long, so we would like to get that passed with the emergency this evening.

Lastly, I would like to request an Executive Session this evening to discuss the acquisition or sale of property.

moved by Gillock, seconded by Butkowski to adjourn into Executive Session to discuss the purchase and selling of property during recess

Yes, 7            No, 0

Assistant Clerk of Council Cope: Motion has been approved and the Executive Session will be held at the time of recess.

Mayor Gillock: That concludes my report.

President Butkowski: Mr. Johnson, our Safety-Service Director.

**B.     Safety-Service Director:**

Safety-Service Director Johnson: Thank you, Madam President. T-94 under New Business on your agenda tonight is to approve 60,000 dollars for the purpose of completing street lighting on Taylor Parkway. This project has been delayed numerous times for various reasons. I ask that Council approve this request tonight, so that we can get this project back on track and possibly help attract new businesses to that industrial park. That concludes my report.

Council Member Buescher: Madam President, would you like that passed on emergency?

Safety-Service Director Johnson: I could make that argument. Yes.

President Butkowski: Thank you. Mr. Griffith, our Engineer.

**C. Engineer:**

Engineer Griffith: Thank you, Madam President. You can make your lawn easier and cheaper to maintain by mowing your grass at least three inches high. The roots of the grass grow as deep as the grass is tall, so taller grass has a deeper and healthier root system. Try to keep your lawn three inches or higher and never cut off more than a third of the blades of grass each time you mow. A healthy lawn tolerates hot, dry weather better. Therefore, you can spend less time watering and fertilizing. From a storm water management standpoint, the taller grass does a better job of filtering the storm water as it flows through the grass and into our streams and ditches.

Also, by using a mulching mower, this action will utilize the cut grass as a fertilizer and will reduce the amount of waste picked up by our refuse hauler. Or, as we in the Engineering Department see in many instances, it will stop the grass clippings from being dumped into our ditches and streams. That concludes my report this evening.

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

**D. Auditor:**

Auditor Costin: Thank you, Madam Chairman. There is no report scheduled for this evening. I would like to bring to Council's attention, T 92-2008, the budget for the next calendar year, 2009 and would request that Council consider passing this, this evening with the emergency. We could then, have it in the Auditor's hands by the due date, next Friday. That concludes my report and comments.

President Butkowski: Thank you.

**E. Other Reports:**

President Butkowski: Please note:

OM Public Sector Solutions Monthly Report for May 2008;  
French Creek Water Pollution Control Plant 2007 Annual Report; and

Planning Commission Report to Council of regular meeting June 10, 2008

Assistant Clerk of Council Cope:

APPLICANT: Joe Molnar, Bob Schmitt Homes, Inc., 8501 Woodbridge Court

OWNER: Bagley Lorain Properties, LLC, 8501 Woodbridge Court

REQUEST: Final approval for Phase 1 of Skilled Nursing Facility

LOCATION: Northeast corner of Bagley and Lorain Roads in a Special Development District  
Permanent Parcel No. 07-00-011-102-012 and part of 07-00-011-102-003

PC ACTION: Approved by a vote of 5-0  
moved by McLaughlin, seconded by Olesen to approve

President Butkowski: Is there any discussion?

Council Member Buescher: Madam President. In 2001, the Special Development District legislation was submitted by a developer, debated in Building and Lands Committee for one full year during the following year and ultimately sent to an outside attorney for a legal opinion, where many flaws in the legislation were detected. The legislation was rewritten by the outside attorney and ultimately approved by City Council in 2003. Incredibly, the amount of work and time put into this legislation, as well as the expense of hiring an outside attorney was for naught; because at the end of last year, when this Special Development District project came before the Planning Commission for approval, it was acknowledged by the Chairman of the Planning Commission. It was acknowledged by the Assistant Law Director at that meeting and it was clearly stated in a letter from the City Planner, that all requirements were not met at the preliminary hearing for this Nursing Home Project, as it is specifically mandated under Special Development District legislation. However, in defiance of our laws, the project was approved and passed through the system. In whatever manner the project has come together to this point, the end does not justify the means. When I took the oath of office, I swore to uphold the laws governing our City. They were not upheld in this case. I worked on this legislation for one year. Therefore, I have no choice but to vote no on this project, as I did for the preliminary recommendation of the Planning Commission. Thank you.

President Butkowski: Thank you, is there any other discussion?

Council Member Corcoran: Madam President, I have a personal interest in this matter and I will be abstaining.

President Butkowski: Thank you. Is there any other discussion? Please call the roll.

Yes, 5 No, 1 (Buescher) Abstain, 1 (Corcoran)

Assistant Clerk of Council Cope: Skilled Nursing Home Facility has been approved by a vote of five, one, one.

President Butkowski: Thank you. We'll move on to Council Committee Reports. Clerk, please read the reports.

### **COUNCIL COMMITTEE REPORTS:**

Assistant Clerk of Council Cope:

1) ADMINISTRATIVE AND FINANCE COMMITTEES REPORT #5713 dated June 16, 2008: Members of Council: We have considered the matter of an ordinance amending NRCO

Section 234.04 concerning the Law Director's representation of the City and employees and recommend that this request be approved and the attached legislation be adopted by Council.

Signed Administrative Members Corcoran and Boose and Chairperson Jaenke;

Signed: Finance Members Buescher and Olesen and Chairperson Boose.

moved by Corcoran, seconded by Jaenke to accept

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

Yes, 7            No, 0

Assistant Clerk of Council Cope: Committee Report Number 5713 has been approved by Council by a vote of seven to zero.

2) FINANCE COMMITTEE REPORT #5716 dated June 26, 2008: Members of Council: We have considered the matter of an ordinance creating the full-time position of Assistant Deputy Auditor and recommend that this request be approved and proper legislation be drawn authorizing same.

Signed: Members Buescher and Olesen and Chairperson Boose.

moved by Boose, seconded by Buescher to accept

President Butkowski: Is there any discussion?

Council Member Boose: Madam President, this position was discussed thoroughly in original appropriations back in February and March and was approved contingent upon dealing with the issue later in the year, as we have now, and any specific items or questions could be directed to the Auditor.

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

Yes, 6            No, 1 (McLaughlin)

Assistant Clerk of Council Cope: Committee Report Number 5716 has been approved by Council by a vote of six to one.

3) FINANCE COMMITTEE REPORT #5717 dated June 26, 2008: Members of Council: We have considered the matter of amending ordinance number 4439-2007 to include the full-time position of full-time Assistant Deputy Auditor and create and establish a wage rate for this position and recommend that this request be approved and proper legislation be drawn authorizing same.

Signed: Members Buescher and Olesen and Chairperson Boose.

moved by Boose, seconded by Buescher to accept

President Butkowski: Is there any discussion?

Council Member Boose: Madam President, this goes along with the previous Committee Report and just to note, all of the items listed on the last Committee Report, this one and the remainder of the Finance Committee Reports on the agenda will have to have legislation to them as the reports indicate and will have to pass Council's perusal at that time. Thank you.

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

Yes, 6            No, 1 (McLaughlin)

Assistant Clerk of Council Cope: Committee Report Number 5717 has been approved by Council by a vote of six to one.

4) FINANCE COMMITTEE REPORT #5718 dated June 26, 2008: Members of Council: We have considered the matter of an ordinance to create the position of Sewer Foreman and recommend that this request be approved and proper legislation be drawn authorizing same. Signed: Members Buescher and Olesen and Chairperson Boose.

moved by Boose, seconded by Olesen to accept

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

Yes, 7          No, 0

Assistant Clerk of Council Cope: Committee Report Number 5718 has been approved by Council by a vote of seven to zero.

5) FINANCE COMMITTEE REPORT #5720 dated June 26, 2008: Members of Council: We have considered the matter of an ordinance to establish pay rates for the position of Sewer Foreman and recommend that this request be approved and proper legislation be drawn authorizing same.

Signed: Members Buescher and Olesen and Chairperson Boose.

moved by Boose, seconded by Olesen to accept

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

Yes, 7          No, 0

Assistant Clerk of Council Cope: Committee Report Number 5720 has been approved by Council by a vote of seven to zero.

6) FINANCE COMMITTEE REPORT #5721 DATED June 26, 2008: Members of Council: We have considered the matter of an ordinance to create the position of Corrections Officer and recommend that this request be approved and proper legislation be drawn authorizing same.

Signed: Members Buescher and Olesen and Chairperson Boose.

moved by Boose, seconded by Buescher to accept

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

Yes, 7          No, 0

Assistant Clerk of Council Cope: Committee Report Number 5721 has been approved by Council by a vote of seven to zero.

7) FINANCE COMMITTEE REPORT #5722 dated June 26, 2008: Members of Council: We have considered the matter of an ordinance to establish pay rates for the position of Corrections Officer and recommend that this request be approved and proper legislation be drawn authorizing the same.

Signed: Members Buescher and Olesen and Chairperson Boose.

moved by Boose, seconded by Buescher to accept

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

Yes, 7            No, 0

Assistant Clerk of Council Cope: Committee Report Number 5722 has been approved by Council by a vote of seven to zero.

8) FINANCE COMMITTEE REPORT #5723 dated June 26, 2008: Members of Council: We have considered the matter of a rate change to the existing position of part-time Bus Driver and to amend part-time Ordinance No. 3379-98 to attached revised Exhibit A and recommend that this request be approved and proper legislation be drawn authorizing same.

Signed: Members Buescher and Olesen and Chairperson Boose.

moved by Boose, seconded by Olesen to accept

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

Yes, 7            No, 0

Assistant Clerk of Council Cope: Committee Report Number 5723 has been approved by Council by a vote of seven to zero.

9) FINANCE COMMITTEE REPORT #5724 dated June 26, 2008: Members of Council: We have considered the matter of an ordinance to create the position of a full-time Activities Director and recommend that this request be approved and proper legislation be drawn authorizing same.

Signed: Members Buescher and Olesen and Chairperson Boose.

moved by Boose, seconded by Buescher to accept

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

Yes, 7            No, 0

Assistant Clerk of Council Cope: Committee Report Number 5724 has been approved by Council by a vote of seven to zero.

10) FINANCE COMMITTEE REPORT #5725 dated June 26, 2008: Members of Council: We have considered the matter of an ordinance to establish pay rates for the position of full-time Activities Director and recommend that this request be approved and proper legislation be drawn authorizing same.

Signed: Members Buescher and Olesen and Chairperson Boose.

moved by Boose, seconded by Buescher to accept

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

Yes, 7            No, 0

Assistant Clerk of Council Cope: Committee Report Number 5725 has been approved by Council by a vote of seven to zero.

President Butkowski: Thank you. We'll move on to the correspondence and we have none tonight. We'll move on to Old Business.

**OLD BUSINESS:**

President Butkowski: We will now open nominations for Clerk of Council.

Butkowski nominated Warren Blakely and seconded by Boose

President Butkowski: The position will start on 7/08/08 and will end 12/31/09. Are there any other nominations? We will close nominations for Clerk of Council. Since there are no other candidates, did you want to take a roll call?

Council Member Olesen: Is there going to be discussion?

Mayor Gillock: Madam President, you have to take a vote and have discussion because you might not get a majority to approve it.

President Butkowski: Is there any discussion on the nomination?

Council Member Olesen: I would like to make a comment.

President Butkowski: No, we are only talking about voting. If you want to discuss the topic of voting for this position, then...

Law Director Crites: Point of order. The issue on the floor is the vote on the nominee.

President Butkowski: Did you want to discuss the nominee?

Council Member Olesen: I wanted to discuss the voting on the nominee. I just have something I want to say. Can I say it?

President Butkowski: Yes.

Council Member Olesen: I will be abstaining from the vote on this appointment. I am abstaining, because I am at a loss to understand how four Council Members were aware of whom this nominee was going to be during our last meeting and the three others only heard the name in recent days. The Chair's original appointment was handled much the same way. No discussion. No interchange of information. Certainly, the appointment of a new Council Clerk will not change the course for our City, but lack of trust can certainly be a downfall for this Council and the people we serve.

Council Member Jaenke: Madam President, I also would like to make a comment. I always felt that City government should operate as a business and keep politics out of our decisions. Over my past ten years in Strongsville and my four and a half years here in North Ridgeville, I have always attempted to function in that manner. Also, as most of you know, I spent 33 years at Ohio Bell with many people reporting to me and we always operated in a business environment. As a result, I thought we would have a meeting with Council, as a whole, to discuss this appointment's qualifications. That did not happen, which I am disappointed and as a result, I will be voting no.

President Butkowski: Thank you. Is there any other discussion?

Council Member Boose: Madam President, I am going to be voting yes. I can certainly understand and appreciate the situation at our last meeting, when some Council members were not apprised of the candidate for Clerk of Council. It was my understanding, that they had been notified and that is the reason why, at the last meeting, I made the motion to postpone it until

everyone; all members of Council and the Administration could be made aware of the candidate for Clerk of Council. Not unlike in January, when the former Clerk of Council's name was made public to the other Council members and to the Administration prior to the meeting. Unlike, the same courtesy not afforded me, back when I was first put on Council; when I was the lone minority. I was not informed prior to the organizational meeting as to whom that candidate was. I could make the assumption, but I was not formerly told. Mr. Blakely comes with good recommendation. He has had a great career in a number of different capacities. He has management experience in many different areas and I look forward to him working with all of Council as Clerk of Council. Thank you.

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

Yes, 5 No, 1 (Jaenke) Abstain 1 (Olesen)

Assistant Clerk of Council Cope: Mr. Blakely has been approved as Clerk of Council for the term beginning July 8, 2008 and ending December 31, 2009 by a vote of five, one, one.

President Butkowski: Thank you and welcome Mr. Blakely, who is in our audience. He will be at our next meeting as his term starts tomorrow, 7/08. Clerk, please read petition referring to T 41.

T 41-2008 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED  
4547-2008 ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO KNOWN AS  
THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING LAND:  
APPROXIMATELY 2.5 ACRES LOCATED ON THE NORTHWEST CORNER  
OF BUTTERNUT RIDGE ROAD AND ROOT ROAD, PERMANENT  
PARCEL NUMBERS 07-00-014-103-031; 07-00-014-103-032; 07-00-014-103-  
338 AND 07-00-014-103-030 (AS SHOWN BY LEGAL DESCRIPTION  
BELOW); FROM R-1 RESIDENCE DISTRICT TO B-3 HIGHWAY  
COMMERCIAL DISTRICT AND OWNED BY DAVID J. FOX AND MANG  
HUNG WONG.

moved by Olesen, seconded by Jaenke to adopt

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

Yes, 7 No, 0

Assistant Clerk of Council Cope: T 41-2008 has been adopted by a vote of seven to zero and becomes permanent ordinance 4547-2008.

Permanent Ordinance 4547-2008

President Butkowski: Thank you. We'll move on to New Business.

**NEW BUSINESS:**

Request from the Parks & Recreation Commission for Council approval to expend \$3,500 from the Parks & Recreation Improvement Fund for South Central Park and Shady Drive Complex restroom repairs ground preparation including water, electric and sewer hookups for the new restroom to be installed at the Soccer Complex

moved by McLaughlin, seconded by Olesen to approve

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

Yes, 7            No, 0

Assistant Clerk of Council Cope: The request from Park and Recreation has been approved by a vote of seven to zero.

T 92-2008      AN ORDINANCE ADOPTING AND APPROVING THE BUDGET OF THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2009, IN THE FORMAT PRESCRIBED BY THE LORAIN COUNTY AUDITOR, AND SUBMITTING SAME TO THE LORAIN COUNTY AUDITOR

moved by Boose, seconded by Buescher to suspend By-Laws to allow T 92 its first reading this evening

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

Yes, 7            No, 0

Assistant Clerk of Council Cope: T 92-2008 will receive a first reading tonight by a vote of seven to zero.

T 93-2008      AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ENTER INTO A PARTICIPATION AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF SODIUM CHLORIDE FOR THE 2008/2009 WINTER SEASON, PURSUANT TO RESOLUTION NO. 693-90.

moved by Boose, seconded by Olesen to suspend By-Laws to allow T 93 its first reading this evening

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

Yes, 7            No, 0

Assistant Clerk of Council Cope: By-Laws have been suspended for T 93, which will receive its first reading this evening by a vote of seven to zero.

T 94-2008      AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE INSTALLATION OF STREET LIGHTING ON TAYLOR

PARKWAY AND TO ENTER INTO A CONTRACT WITH OHIO EDISON FOR CONNECTING THE STREET LIGHTING TO A POWER SOURCE, NOT TO EXCEED \$60,000.00, AND RESCINDING ORDINANCE NO. 4498-2008.

moved by Olesen, seconded by Jaenke to suspend By-Laws to allow T 94 its first reading this evening

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

Yes, 7            No, 0

Assistant Clerk of Council Cope: By-Laws have been suspended by a vote of seven to zero and T 94 will receive its first reading this evening.

T 95-2008        RESOLUTION URGING THE NATIONAL CREDIT UNION ADMINISTRATION, THE FEDERAL RESERVE BOARD AND THE OFFICE OF THRIFT SUPERVISION TO ADOPT THE REFORMS PROPOSED FOR THE FEDERAL TRADE COMMISSION ACT, TRUTH IN SAVINGS ACT, AND TRUTH IN LENDING ACT TO PROTECT CONSUMERS FROM UNFAIR AND ABUSIVE PRACTICES BY THE CREDIT CARD INDUSTRY.

Council Member Olesen: Madam Chairman, is there any reason to speed this along tonight?

President Butkowski: No.

Council Member Buescher: Madam President, I was wondering if I could ask the Mayor if this is something that we had been requested to do by the State or whether this is something coming from our own City.

Mayor Gillock: Madam President, if I may speak to this. First, a letter was received from Richard Cordray, the Ohio Treasurer of State and in his letter, he indicated that he had also written to Council Members asking them to pass this resolution of support, which is included here. Actually, this resolution is proposed by these three organizations and it addresses, in their opinion, unfair acts or practices regarding credit cards. If you go onto the Federal Reserve System website, you can actually get the specific reforms to be addressed and I'll go over some of those with you. For credit card payments, the proposal would prohibit banks in treating the payment as late, unless the consumer had been provided a reasonable amount of time to make that payment. Another one would be to applying a rate increase to existing balances. The proposal would prohibit banks from increasing the interest rate on outstanding balances unless the increase is due to the operation of an index, expiration of a promotional rate, or minimum payment not being received. One of them that you hear a lot about and that I have always felt is somewhat unfair, under the truth and lending regulations regarding the due dates for mailed payments. The proposal would provide that mailed credit card payments received by 5:00 P.M. on the due date, must be considered timely. In addition, if a creditor does not receive or accept mailed payments on the due date; for example, if it falls on a Sunday or a holiday, the payment received by mail on the next business day would be considered timely. You have heard of horror stories where the deadline for the payment is 10:00 in the morning. The mail doesn't come until later that day, so all the payments are always late. There are several more of these that address

items like these and they also address overdraft services. This is at the request of the Secretary of State. It is being proposed by the National Credit Union, the Federal Reserve Board and the Office of Thrift Supervision. I would ask that you support this.

Council Member Boose: Madam President, I want to thank the Mayor, as I was out of State on vacation this last weekend and I received this yesterday. I did print the document and the actual legislation is over 60 pages. I don't know if all of us had been able to read all 60 pages. It has some excellent information in it and I think that there is some abuse out there that needs to be targeted and corrected. But, my request would be that we postpone any decision on the resolution until the next meeting. For one, so that we could all read it and make sure that we understand what is in the proposed changes to the regulations and two, that it states in the actual proposed rules that comments can be received on or before August 4. The deadline is within our guidelines of having our decision at our next meeting. Thank you.

Mayor Gillock: Madam President, in the kindness and most respectful way possible, I believe that Councilman Boose probably has a conflict here, as he works for a bank and the regulations would amend regulation AA to prohibit unfair, deceptive acts or practices by banks in connection with credit card accounts and overdraft services for deposit accounts. I know Dennis means very well and he does a great job and just in my own opinion, I think that is something that he should consider.

Council Member Boose: Yes, Madam President. I have been in touch with ~~Council~~ *counsel* and at this time, I would expect to abstain to avoid any potential conflict of interest. Thank you.

President Butkowski: No one has made a motion to hurry this along and I think we can delay it until the next meeting.

President Butkowski: We will move to the recess and we will adjourn to an Executive Session and we'll return as soon as it is over.

**RECESS:**

President Butkowski adjourned to Executive Session at 8:11 p.m.

President Butkowski reconvened the meeting at 8:32 p.m.

President Butkowski: Clerk, would you please read our first reading?

**FIRST READINGS:**

Assistant Clerk of Council Cope:

T 86-2008      AN ORDINANCE AMENDING NRCO SECTION 650.01 PUBLIC NUISANCE  
DEFINED.  
First Reading

T 92-2008      AN ORDINANCE ADOPTING AND APPROVING THE BUDGET OF THE  
4548-2008      CITY OF NORTH RIDGEVILLE, OHIO FOR THE FISCAL YEAR  
                 BEGINNING JANUARY 1, 2009, IN THE FORMAT PRESCRIBED BY THE  
                 LORAIN COUNTY AUDITOR, AND SUBMITTING SAME TO THE LORAIN  
                 COUNTY AUDITOR

First Reading

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

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

Yes, 7            No, 0

Assistant Clerk of Council Cope: Second and Third readings have been dispensed with by a vote of seven to zero.

moved by Boose, seconded by Olesen to adopt

moved by Boose, seconded by Olesen to add the emergency in order to meet the filing deadline with the County

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

Yes, 7            No, 0

Assistant Clerk of Council Cope: Emergency has been added by a vote of seven to zero.

President Butkowski: A motion was made by Boose and seconded by Olesen to adopt with the emergency. Is there any discussion? Please call the roll.

Yes, 7            No, 0

Assistant Clerk of Council Cope: T 92-2008 has been adopted with the emergency by a vote of seven to zero and becomes permanent ordinance number 4548-2008.

Permanent Ordinance No. 4548-2008

T 93-2008      AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH  
4549-2008      RIDGEVILLE, OHIO, TO ENTER INTO A PARTICIPATION AGREEMENT  
                 WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE  
                 PURCHASE OF SODIUM CHLORIDE FOR THE 2008/2009 WINTER  
                 SEASON, PURSUANT TO RESOLUTION NO. 693-90.

First Reading

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

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

Yes, 7            No, 0

Assistant Clerk of Council Cope: Second and Third readings have been dispensed with by a vote of seven to zero.

moved by Boose, seconded by Olesen to adopt

moved by Butkowski, seconded by Buescher to add the emergency because the contract is running out and we need to have this for the Winter

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

Yes, 7            No, 0

Assistant Clerk of Council Cope: Emergency has been added by a vote of seven to zero.

President Butkowski: A motion was made by Boose and seconded by Olesen to adopt with the emergency. Is there any discussion? Please call the roll.

Yes, 7            No, 0

Assistant Clerk of Council Cope: T 93-2008 has been adopted with the emergency by a vote of seven to zero and becomes permanent ordinance number 4549-2008.

Permanent Ordinance No. 4549-2008

T 94-2008            AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS  
4550-2008            AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A  
MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST  
BIDDER FOR THE INSTALLATION OF STREET LIGHTING ON TAYLOR  
PARKWAY AND TO ENTER INTO A CONTRACT WITH OHIO EDISON  
FOR CONNECTING THE STREET LIGHTING TO A POWER SOURCE, NOT  
TO EXCEED \$60,000.00, AND RESCINDING ORDINANCE NO. 4498-2008.

First Reading

moved by Olesen, seconded by Jaenke to dispense with the second and third readings this evening

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

Yes, 7            No, 0

Assistant Clerk of Council Cope: Second and Third readings have been dispensed with by a vote of seven to zero.

moved by Olesen, seconded by Jaenke to adopt

moved by Olesen, seconded by Jaenke to add the emergency because we have been putting off this project for a long, long time

President Butkowski: Is there any discussion on the emergency?

Mayor Gillock: Madam President, I would just like to add that we have been working on this for a long time, but we do have a Gymnastic's facility located down there and they have ladies and little kids there. In the evenings, they are usually coming out and it's dark. The prime reason we want to get this accomplished is to provide them with some security. So, it is a safety issue for residents and people using that facility.

Council Member Boose: Madam President, a question and a comment. One, the ordinance number 4498-2008 referenced that we will be rescinding, was passed January 7 and that was for 40,000 dollars and now the bill is for 60,000 dollars. Can we have a comment as to the increase of 20,000 dollars?

Mayor Gillock: Madam President, there are a couple of reasons. That particular ordinance specifically said it was entering into a contract with Ohio Edison. When we did get into it with Ohio Edison, they informed us that they would not do the trenching and they would not fill the

trench up. We recently found out that they would not do the underground work, they would only do poles and they would only do the connection. So, we are going to have to go out anyway for all the other work, so we bid the whole job out. That 40,000 dollars for Ohio Edison would not have included half the work that needed to be done. We rebid it to the private sector and this is the money that we need to cover the lowest bid that we received.

Council Member Boose: My second point is that back in appropriations we did only approve 40,000 dollars. Now, it is my understanding that we have not yet touched the 100,000 dollars in the General Fund contingencies that we approved in appropriations. So, there is room there. I just wanted to make Council aware that we will need to appropriate 20,000 dollars of the contingencies to go towards this ordinance. Thank you.

President Butkowski: Thank you, Mr. Boose. Is there any other discussion on the emergency? Please call the roll on the emergency.

Yes, 7            No, 0

Assistant Clerk of Council Cope: Emergency has been added by a vote of seven to zero.

President Butkowski: A motion was made by Olesen and seconded by Jaenke to adopt with the emergency. Is there any discussion? Please call the roll.

Yes, 7            No, 0

Assistant Clerk of Council Cope: T 94-2008 has been adopted with the emergency by a vote of seven to zero and becomes permanent ordinance number 4550-2008.

Permanent Ordinance No. 4550-2008

President Butkowski: We are moving on to the second readings. The first one of the second readings is T 73.

## **SECOND READINGS**

Assistant Clerk of Council Cope:

T 73-2008      AN ORDINANCE AMENDING CHAPTERS 1468 AND 1423 REGARDING  
DOWNSPOUTS AND ABC/PVC PIPES.  
Second Reading

T 76-2008      AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS  
AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A  
MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST  
BIDDER FOR THE PURCHASE OF A SECOND CENTRIFUGE INCLUDING  
ALL ASSOCIATED WORK AND APPURTENANCES FOR THE FRENCH  
CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED  
\$800,000.00.  
Second Reading

- T 78-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF NEW VARIABLE FREQUENCY DRIVES INCLUDING ALL ASSOCIATED WORK AND APPURTENANCES FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$100,000.00.  
Second Reading
- T 79-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF A NEW SEPTIC UNIT INCLUDING ALL ASSOCIATED WORK AND APPURTENANCES FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$175,000.00.  
Second Reading
- T 80-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF A NEW GRIT UNIT INCLUDING ALL ASSOCIATED WORK AND APPURTENANCES FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$250,000.00.  
Second Reading
- T 81-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF FIBER OPTIC LINES AND ALL ASSOCIATED WORK AND APPURTENANCES FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$130,000.00.  
Second Reading
- T 82-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE REPLACEMENT OF SAND AND REPAIR OF COMPONENTS FOR THE SLUDGE DRYING BEDS INCLUDING ALL ASSOCIATED WORK AND APPURTENANCES AT THE FRENCH CREEK

WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$130,000.00.  
Second Reading

T 83-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE REPLACEMENT OF THE FISHER PORTER DIFFUSER WITH NEW PINCH VALVES INCLUDING ALL ASSOCIATED WORK AND APPURTENANCES FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$28,000.00.  
Second Reading

T 89-2008 AN ORDINANCE APPROVING THE FINAL CLUSTER SITE PLAN OF PHASE I OF WATERSIDE PLACE IN WATERBURY SUBDIVISION NO. 4 FOR RECORDING PURPOSES ONLY.  
Second Reading

T 90-2008 AN ORDINANCE APPROVING THE FINAL PLAT OF SUBDIVISION NO. 11 IN PHASE 4 OF MEADOW LAKES PCD FOR RECORDING PURPOSES ONLY.  
Second Reading

President Butkowski: Now, we'll move on to the third readings.

**THIRD READINGS**

Assistant Clerk of Council Cope:

T 22-2008 AN ORDINANCE ESTABLISHING HOTEL/MOTEL REGULATIONS.  
REVISED Third Reading

4551-2008 moved by Olesen, seconded by McLaughlin to adopt

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

Yes, 7 No, 0

Assistant Clerk of Council Cope: T 22-2008 Revised has been adopted by a vote of seven to zero and becomes permanent ordinance number 4551-2008.

Permanent Ordinance No. 4551-2008

T 67-2008 AN ORDINANCE AMENDING ORDINANCE NO. 2325-89 ESTABLISHING  
4552-2008 AN APPLICATION FEE TO BE PAID BY PERSONS APPEARING BEFORE THE PLANNING COMMISSION OF THE CITY OF NORTH RIDGEVILLE,

OHIO.

Third Reading

moved by Olesen, seconded by McLaughlin to adopt

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

Yes, 7            No, 0

Assistant Clerk of Council Cope: T 67-2008 has been adopted by a vote of seven to zero and becomes permanent ordinance number 4552-2008.

Permanent Ordinance No. 4552-2008

T 68-2008        AN ORDINANCE AMENDING ORDINANCE NO. 3445-99, PROVIDING FOR  
4553-2008        AN ADDITIONAL "PUBLICATION NOTIFICATION" FEE FOR MATTERS  
FILED BEFORE PLANNING COMMISSION.

Third Reading

moved by Olesen, seconded by Boose to adopt

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

Yes, 7            No, 0

Assistant Clerk of Council Cope: T 68-2008 has been adopted by a vote of seven to zero and becomes permanent ordinance number 4553-2008.

Permanent Ordinance No. 4553-2008

T 69-2008        AN ORDINANCE AMENDING ORDINANCE NO. 2369-89 BY INCREASING  
4554-2008        THE SPECIAL PLANNING COMMISSION FEE.

Third Reading

moved by Corcoran, seconded by McLaughlin to adopt

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

Yes, 7            No, 0

Assistant Clerk of Council Cope: T 69-2008 has been adopted by a vote of seven to zero and becomes permanent ordinance number 4554-2008.

Permanent Ordinance No. 4554-2008

T 70-2008        AN ORDINANCE AMENDING ORDINANCE NO. 2828-94 RELATING TO  
4555-2008        FEES FOR APPEALS FROM DECISIONS OF THE BUILDING INSPECTOR.

Third Reading

moved by Olesen, seconded by Jaenke to adopt

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

Yes, 7            No, 0

Assistant Clerk of Council Cope: T 70-2008 has been adopted by a vote of seven to zero and becomes permanent ordinance number 4555-2008.

Permanent Ordinance No. 4555-2008

T 71-2008 AN ORDINANCE AMENDING ORDINANCE NO. 3106-95, PROVIDING FOR  
4556-2008 AN ADDITIONAL FEE FOR MATTERS FILED BEFORE THE BOARD OF  
ZONING AND BUILDING APPEALS.

Third Reading

moved by McLaughlin, seconded by Corcoran to adopt

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

Yes, 7 No, 0

Assistant Clerk of Council Cope: T 71-2008 has been adopted by a vote of seven to zero and becomes permanent ordinance number 4556-2008.

Permanent Ordinance No. 4556-2008

T 72-2008 AN ORDINANCE AMENDING ORDINANCE NO. 3663-2001  
4557-2008 ESTABLISHING A BOARD OF ZONING AND BUILDING APPEALS  
SPECIAL MEETING FEE.

Third Reading

moved by Corcoran, seconded by McLaughlin to adopt

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

Yes, 7 No, 0

Assistant Clerk of Council Cope: T 72-2008 has been adopted by a vote of seven to zero and becomes permanent ordinance number 4557-2008.

Permanent Ordinance No. 4557-2008

T 74-2008 AN ORDINANCE ACCEPTING CERTAIN PROPERTY AND DEDICATING  
4558-2008 IT TO PUBLIC USE.

Third Reading

moved by Corcoran, seconded by Jaenke to adopt

President Butkowski: Is there any discussion?

moved by Mayor Gillock, seconded by Olesen to add the emergency clause to avoid additional penalties

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

Yes, 7 No, 0

Assistant Clerk of Council Cope: Emergency has been added by a vote of seven to zero.

President Butkowski: A motion was made by Corcoran and seconded by Jaenke to adopt with the emergency. Is there any discussion? Please call the roll.

Yes, 7 No, 0

Assistant Clerk of Council Cope: T 74-2008 has been adopted with the emergency by a vote of seven to zero and becomes permanent ordinance number 4558-2008.

Permanent Ordinance No. 4558-2008

**COMMITTEE MEETING ANNOUNCEMENTS:**

President Butkowski:

Public Hearing to be held Monday, July 21, 2008 re: T 73-2008, downspouts and ABC/PVC pipes.

Next Regular Council Meeting Monday, July 21, 2008 at 7:30 P.M. in Council Chambers.

**ADJOURNMENT:**

                  moved by Corcoran to adjourn

Meeting adjourned at 8:50 P.M.

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Approval of Minutes:

MOTION Jaenke 2ND Corcoran DATE July 21, 2008  
(as corrected on page 13, line 19)

YES 7 NO 0 ABSTAIN 0