

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JULY 21, 2008**

CALL TO ORDER: 7:30 P.M.

President Butkowski: I call the regular meeting, Monday, July 21, 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: I would like to welcome our new Clerk of Council, Mr. Warren Blakely, and could he 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 Acting Mayor and Safety-Service Director Denny Johnson, Law Director Andy Crites, Engineer Larry Griffith, Auditor Chris Costin and Clerk of Council Warren Blakely

Absent was Mayor David Gillock

MINUTES - Corrections (if any) and Approval:

Public Hearing Minutes of July 7, 2008 re: 2009 Budget
moved by Boose, seconded by Olesen to approve

President Butkowski: Are there any corrections? Clerk, please call the roll.

Yes, 7 No, 0

Public Hearing Minutes of July 7, 2008 re: Skilled Nursing Facility
moved by Olesen, seconded by Jaenke to approve

President Butkowski: Are there any corrections? Clerk, please call the roll.

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

Public Hearing Minutes of July 7, 2008 re: T 41-2008
moved by Jaenke, seconded by Corcoran to approve

President Butkowski: Are there any corrections? Clerk, please call the roll.

Yes, 7 No, 0

Public Hearings Minutes of July 7, 2008 re: Waterside Place in Waterbury PCD and Sub.11 in Phase 4 of Meadow Lakes PCD

 moved by Corcoran, seconded by Olesen to approve

President Butkowski: Are there any corrections? Clerk, please call the roll.

 Yes, 7 No, 0

Council Minutes of regular meeting held July 7, 2008

 moved by Jaenke, seconded by Boose to approve

President Butkowski: Are there any corrections?

Council Member Boose: Madam President, on page 13, line 19; the second last paragraph in the first section before recess, it says, "Yes, Madam President, I have been in touch with Council."

That should be spelled counsel. It is the same sound, but a different spelling.

President Butkowski: Are there any other corrections? Clerk, please call the roll.

 Yes, 7 No, 0

President Butkowski: Please note the:

Planning Commission Minutes of regular meeting July 8, 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) Gene Kleinholz of 7324 Dyke Avenue commented on the placement of the lobby session on the agenda. He explained that it was good where it used to be on the agenda and feels that it should be placed back where it was in order for the public to interact better with Council.

- 2) Carol Klear of 7558 Avon Belden Road announced the publication of her new book which will be out in bookstores August 4. She explained that the book includes North Ridgeville's history. The price of the book is \$21.25 and the royalties are going to the North Ridgeville Historical Society.

- 3) Donald Vandrasik of 34567 spoke regarding the placement of the lobby session on the agenda in which he is for its current location. He also spoke regarding spot zoning and noted that

Council approved spot zoning at the corner of Lorain and Root Road to B-3 Highway Commercial. He explained the definition of Highway Commercial and its permitted uses.

4) Keith Jenkins of 8852 Harris Drive spoke regarding the proposed PCD that will be presented to Council. He also spoke regarding the PCD moratorium that was just passed by Council, and noted that it was not immediately acted upon. He spoke on the submittal of a PCD before the legislation went away. He stated that if the legislation was not correct, the legislation should have been killed. It should not have been left out there so that another PCD could be brought in.

President Butkowski: Mr. Jenkins, your three minutes are up.

 moved by Boose, seconded by Buescher to allow this gentleman up to an additional three minutes

President Butkowski: Clerk, please call the roll.

 Yes, 7 No, 0

Keith Jenkins continued to speak regarding the PCD legislation and its repeal. He spoke on Council's work in disengaging it, noting that Council has lost credibility to him in terms of dealing with the situation. He stated that he hopes that Council does a better job at re-tweaking it. He further stated he is not a fan of PCDs. He spoke in regard to a conversation that related to citizens, who don't want PCD's, can create a referendum and stated that it is almost in the citizen's hands. He noted that we have three thousand houses planned and that we're going to have increased City services, which his kids and himself will be paying for. He further stated that he has the schools and everybody coming in after his pocket book and to throw cluster homes in, which this PCD is, is just exasperating the problem. He stated that hopefully, the citizen's won't have to put a referendum on the ballot but, if we keep doing this, he believes a referendum will go on in the Spring of 2009 to eliminate PCDs permanently and if anybody wants to have a PCD, it will require voter approval.

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

5) John R. Sanderson of 32975 Bagley Road questioned how Council could have a lobby session without answering a question. He noted that under second readings, public nuisance is defined and questioned the definition of public nuisance.

Council Member Boose: Madam President, could we explain this legislation for this individual?

President Butkowski: We can do that when we vote on it tonight. Either that or he can call up the office and it can be explained or we can give him a copy of it.

Council Member Boose: Madam President, I will make sure that I explain the legislation before we vote on it. Thank you.

President Butkowski: Yes, we'll do that. Lobby is lobby session and you don't have interaction in lobby sessions. Is there anyone else that would like to speak tonight?

6) Gene Kleinholz of 7324 Dyke Avenue publicly thanked Carol Klear for her efforts over the last two years regarding the book she spoke of. He suggested that any person who becomes

part of the Master Plan Committee should be required to read this book.

President Butkowski: Thank you. Is there anyone else that would like to speak tonight? That ends the lobby session. We'll move into the Administration reports. The Mayor is absent tonight and we'll begin with our Safety-Service Director, Mr. Johnson.

ADMINISTRATORS REPORTS:

B. Safety-Service Director:

Safety-Service Director Johnson: Thank you, Madam President. Mayor Gillock is on a well-deserved vacation with his family this week, which means he is handling email and phone calls on a beach rather than his office. I don't think he understands the concept of vacation.

T 105, under new business tonight, is an ordinance to authorize a contract to haul and dispose of accumulated sludge at the French Creek Plant. We've been working with the EPA on the issue ever since new rules downgraded the product to Class 2. We would like to get this ordinance passed tonight with the emergency clause, so this work can be completed within the time suggested by EPA.

Also, T 106 is our Ohio Public Works project, which some people know as Issue 2. This will need to be passed tonight by emergency in order to be considered for funding.

moved by Acting Mayor Johnson, seconded by Olesen to adjourn to Executive Session following New Business to discuss property acquisition

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

Yes, 7 No, 0

Safety-Service Director Johnson: Thank you, that concludes my report.

President Butkowski: We'll have an Executive Session after new business.

Council Member Jaenke: Madam President, I have a question for our Safety-Service Director. T 104 is an ordinance that really should be passed this evening. About ten years ago, the City paved Root Road and in doing so, did not provide adequate access from the highway to the apron on two properties located on Root Road. I have been out looking at the property back, several months ago, with our Engineer and the Mayor and this ordinance calls for two driveways to be reworked, which should have been done, as I said two years ago; at the cost of 40,000 dollars. We did appropriate 65,000 dollars in appropriations for this year. The fact that we are on vacation next month and this is a job that requires some grading, concrete work and so forth, I would like, if it is okay with our Safety-Service Director to have this ordinance passed this evening with the emergency, because of safety.

Safety-Service Director Johnson: Madam President, we have no problem having that passed with

the emergency tonight and as a matter of fact, with the rapid increase in the pricing of asphalt and concrete, that is probably not a bad idea.

President Butkowski: Mr. Johnson, I would also like to ask you about T 103 regarding the increase in cost of the traffic light at Stoney Ridge. Did you need that passed this evening?
Safety-Service Director Johnson: No, we are still working on financing for that. We would rather have it go through the process.

President Butkowski: Okay, we'll move on with our Engineer, Mr. Griffith.

C. Engineer:

Engineer Griffith: Thank you, Madam President. I have three items to run by everyone tonight. Number one, the French Creek Watershed meeting is tomorrow night from 7:00 P.M. to 8:00 P.M. at the French Creek Wastewater Treatment Plant. I have a notice taped, down here, on the table in front of me with additional details. If anyone would like to know what is going on, they could just give me a call.

Number two, there will be a computer and electronics recycling opportunity this Saturday from 9:00 A.M. to 3:00 P.M. at Windstream Service Center located at 560 Ternes Avenue in Elyria. It really concerns me when I see an old TV or other pieces of electronic equipment sitting out for the refuse truck. I have also taped that notice on the table in front of me with the additional details.

Number three, street and highway construction materials are getting out of hand. Per CE News, between May of 2007 and May of 2008, steel prices increased 93 percent; Asphalt paving increased 8.4 percent; sand, gravel and crushed stone increased 6.7 percent; ready mix concrete increased 2.4 percent and so on. Overall highway and street construction materials have increased 15 percent. During the five year period of 2003 through the end of 2007, combined construction material cost increased 48 percent. This means we will be doing less street and highway work for more money. Thank you and that concludes my report this evening.

Council Member Jaenke: Madam President, I have a question for Larry. T 73, which we had a Public Hearing on this evening, talks about the down spouts and it has always been my understanding and maybe I am wrong, if the City is out on inspection and finds an existing resident that has the down spouts connected, is that illegal or is that okay?

Engineer Griffith: It depends upon when the connection to the storm sewer took place. If it is prior to the ordinance prohibiting that, then it is permitted. If it is after when the ordinance passed, it is not permitted. The reason for this was because there was confusion over the codification, as to where it was located and in fact, I have a letter or notice that goes out with every new house topo that goes to property owners notifying them that they are not permitted to

connect their down spouts to a storm sewer. One individual went to the trouble to try to find that in our ordinance book and it was extremely difficult to find because of the way it got codified. This is just a correction, so that it will be easier for someone to find it if they want to check and make sure that they are following the regulations.

Council Member Jaenke: Do you recall what date that was when it became illegal to tie in? In other words, wasn't that a couple of years ago?

Engineer Griffith: No, I have been here five years and it was a number of years before that.

Council Member Jaenke: So then it has been illegal for over five years?

Engineer Griffith: That is correct.

Council Member Jaenke: The gentleman in the audience asked that if an existing household was grand-fathered. What we are saying is, is that back six, seven or eight years ago, an ordinance was passed to make it illegal. This ordinance really doesn't permit an existing household unless they tied in prior to the ordinance that was passed several years ago.

Engineer Griffith: That is correct.

President Butkowski: Is there any other questions for Mr. Griffith? We'll move on to the Auditor, Mr. Costin.

D. Auditor:

Auditor Costin: Thank you, Madam Chairman. I have three items under the Auditor's report this evening. The first of which is the monthly report for June 2008, which Council has received and I request your passage tonight.

Auditor's Written Financial Report for June 2008

moved by Boose, seconded by Buescher to approve the Auditor's Written Financial Report for June 2008

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

Yes, 7 No, 0

Auditor Costin: Item number two, the Auditor of State has completed their compliance and financial audit for the City for the year 2007. As a result, Council has received their copy of the 2007 Comprehensive Annual Report. We do have extra copies in the Auditor's office if you have not received one or for other purposes of those who would like one.

Item number three, I handed out to you prior to the meeting, a revised position description to replace that which was attached to T 96-2008. I would request that you do that. I think that is for reference and informational purposes only. This is the complete job description and goes with T 96-2008. That completes my report and comments. Thank you, very much.

moved by Boose, seconded by Buescher to replace the position overview that was attached to T 96 with the one that was presented to us this evening by the Auditor

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

Yes, 7 No, 0

President Butkowski: We're moving on to other reports. Clerk, please read the other reports.

E. Other Reports:

Clerk of Council Blakely: Please note:

Mayor's Court Report for June 2008;
OM Public Sector Solutions Monthly Report dated June 30, 2008;
Public Water System Operation Report for June 2008;
Police Department Support Car Report for June 2008;
Fire Department Report for June 2008; and

Planning Commission Report of regular meeting July 8, 2008

APPLICANT: John Lateulere, AICP, Atwell-Hicks, 30575 Bainbridge Road, Suite 180,
 Solon, OH 44139
OWNER: Central North and Central South, 3320 Stoney Ridge Road, Avon, OH
 44011
REQUEST: Preliminary site plan approval for a single family detached and cluster
 development to be known as North Ridge Pointe Subdivision
LOCATION: Between Stoney Ridge Road and Avon Belden Road in an R-1 District
 Permanent Parcel Nos. 07-00-030-000-076; 07-00-030-000-075; 07-00-
 030-000-081; 07-00-030-000-129; 07-00-030-000-094; 07-00-032-000-
 120; 07-00-032-000-014; 07-00-029-000-001; and 07-00-032-000-003
PC ACTION: Postponed until the next regular meeting by a vote of 5-0

APPLICANT: William Rini, Aces Grille, 32650 Lorain Road
OWNER: Alan & Pearl Hrusch, 36070 Jason Drive, Grafton, OH 44044
REQUEST: Approval to install an off-street parking facility
LOCATION: 32650 Lorain Road in a B-4 District
 Permanent Parcel No. 07-00-003-101-011
PC ACTION: Approved by a vote of 5-0 with the first phase being equivalent to existing
 parking lot

 moved by McLaughlin, seconded by Jaenke to approve

President Butkowski: Is there any discussion?

Council Member McLaughlin: Madam President, just for Council's awareness. Aces Grille has a gravel parking lot to the rear of the property, which they own. They have certainly run out of parking there. It has been a very well frequented business. What they are going to do right now

is the first phase, which they are looking to pave the parking lot the same size as the one that is already paved right now.

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

Yes, 7 No, 0

Clerk of Council Blakely: Planning Commission report has been approved by a vote of seven to zero.

APPLICANT: John Crook, Ridgecar Company, LLC, 27500 Detroit Road, Suite 300, Westlake, Ohio 44145

OWNER: Allen Akin, Akin & Akin Rental, LLC, 35205 Center Ridge Road

REQUEST: Approval to construct a one story, 10,112 square foot, multi-tenant commercial building with site improvements

LOCATION: 35143 Center Ridge Road in a B-3 District

Permanent Parcel No. 07-00-021-119-131

PC ACTION: Approved by a vote of 5-0 with condition that Board of Zoning and Building Appeals approves the variances required

 moved by McLaughlin, seconded by Corcoran to approve

President Butkowski: Is there any discussion?

Council Member McLaughlin: Madam President, once again to inform Council. This is the used car lot that is between ACE Hardware and Akin and Akin Auto Body. They are looking to improve the site with a commercial building there.

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

Yes, 7 No, 0

Clerk of Council Blakely: Planning Commission report has been approved by a vote of seven to zero.

President Butkowski: Thank you. We have no Council Committee reports for tonight. We'll move on to correspondence. Would you please read the correspondence?

CORRESPONDENCE:

1) Received a memo from Council Member McLaughlin regarding the video taping and broadcasting of Planning Commission meetings.

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

2) Received from the Auditor of State, Mary Taylor, the audit of the financial statements of the City for the year ended December 31, 2007.

President Butkowski: Moving on, we have no Old Business and now for our New Business.

NEW BUSINESS:

Received Petitions for a change in zoning classification to a Planned Community Development (PCD) and applications for preliminary plan approval of plan development area for approximately 218 acres located between Avon Belden Road and Stoney Ridge Road from Valore Properties, NVR, Inc., Richard Mucha, Thomas E. Miller, Trustee, Daniel R. and Jennifer Stopper, Della Dorrow, Trustee, Irene Berlovan, and Heather and Scott Foldi

President Butkowski: I WILL REFER THIS TO THE BUILDING AND LANDS COMMITTEE AND THE PLANNING COMMISSION. We also need to assign a number to the ordinance for the PCD. That will be T number?

Clerk of Council Blakely: 108

President Butkowski: Thank you.

Clerk of Council Blakely:

T 102-2008 AN ORDINANCE ENACTING PROVISIONS PROVIDING FOR PART-TIME NON-UNION JOB POSITIONS, WAGE RATES AND BENEFITS PERTAINING THERETO, AND REPLACING ORDINANCE NOS. 2728-93 AND 3379-98.

T 103-2008 AN ORDINANCE AMENDING ORDINANCE NO. 4388-2007 REGARDING THE INSTALLATION OF A TRAFFIC SIGNAL AT THE CENTER RIDGE ROAD AND STONEY RIDGE ROAD INTERSECTION, INCLUDING OTHER NECESSARY APPURTENANCES AND WORK-RELATED INCIDENTALS THERETO, BY INCREASING THE AMOUNT FROM \$230,000.00 TO \$395,000.00.

T 104-2008 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 RECONSTRUCTION OF SIDEWALKS, DRIVEWAYS, GRADING AND ALL RELATED WORK FROM APPROXIMATELY 9462 ROOT ROAD TO 9465 ROOT ROAD, NOT TO EXCEED \$40,000.00.

moved by Olesen, seconded by Boose to suspend By-Laws to give T 104 its first reading tonight

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

Yes, 7 No, 0

Clerk of Council Blakely: The By-Laws have been suspended by a vote of seven to zero.

T 105-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY

LAW WITH THE LOWEST AND BEST BIDDER FOR THE REMOVAL AND DISPOSAL OF SLUDGE ACCUMULATED AT THE FRENCH CREEK WASTEWATER TREATMENT PLANT AND FOR SITE RESTORATION AND RELATED WORK NOT TO EXCEED \$1,250,000.00.

moved by Boose, seconded by Corcoran to suspend By-Laws to give T 105 its first reading tonight

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

Yes, 7 No, 0

Clerk of Council Blakely: The By-Laws have been suspended by a vote of seven to zero.

T 106-2008 A RESOLUTION OF SUPPORT FOR OHIO PUBLIC WORKS COMMISSION PROJECT PRIORITIES

moved by Boose, seconded by Corcoran to suspend By-Laws to give T 105 its first reading tonight

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

Yes, 7 No, 0

President Butkowski: The motion passed. We will move on to Executive Session and we'll be back as soon as possible.

RECESS:

President Butkowski adjourned to Executive Session at 8:16 p.m.

President Butkowski reconvened the meeting at 8:29 p.m.

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

FIRST READINGS:

Clerk of Council Blakely:

T 95-2008 RESOLUTION URGING THE NATIONAL CREDIT UNION
1137-2008 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.
First Reading

Council Member Corcoran: Madam President, wasn't there some kind of time line on this, that we needed to pass this, this evening?

President Butkowski: Yes, there is. I need a motion to dispense with the second and third

readings.

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

President Butkowski: Is there any discussion?

Council Member Boose: Madam President, to avoid any potential conflict of interest, I will be abstaining from this resolution. Thank you.

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

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

 moved by Corcoran, seconded by Olesen to adopt

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

 moved by Corcoran, seconded by Olesen to add the emergency in order to meet the time lines set forth by the resolution

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

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

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

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

Clerk of Council Blakely: T 95 has been adopted with the emergency by a vote of six, zero and one abstention.

President Butkowski: That will be Resolution Number 1137-2008.

 Permanent Resolution No. 1137-2008

T 96-2008 AN ORDINANCE CREATING THE FULL-TIME POSITION OF ASSISTANT DEPUTY AUDITOR.

 First Reading

Council Member Boose: Move to dispense with the second and third readings.

Council Member Corcoran: Second.

President Butkowski: Is there any discussion?

Council Member McLaughlin: Madam President, given the fact that we were just handed the new job description for this, wouldn't it be best served to have some time to look it over?

Council Member Boose: Madam President, perhaps we could ask Mr. Costin exactly what the changes were in the two descriptions.

Auditor Costin: Under the essential job functions; the second item, the third item and down where it says assist the Deputy Auditor in preparation of appropriations; added to that was including financial data used in the payroll and benefit budgeting process with the bargaining units. The majority of the information was there, we just extended it. We made it more descriptive.

Council Member Boose: To recap, the differences were under essential job functions, where it says, "deals with information to be used in collective bargaining; working in a close continuing

relationship with public officers or representatives directly participating in collective bargaining on behalf of the employer and assist in grievance research and assist the Auditor/Deputy Auditor in preparation of appropriations, including financial data used in the payroll and benefit budgeting process with the bargaining units.”

Auditor Costin: Correct. Those are the only changes.

Law Director Crites: Madam President, can I speak to the issue?

President Butkowski: Yes, Mr. Crites.

Law Director Crites: And I want to ask Mr. Boose, as the Chairman of the Finance Committee as well as our Auditor, Mr. Costin if there is any exigency in this? I simply want to chime in as to the fact that we met with the legal representative of the union on this issue last week. We had some discussions relating to their position on the creation of the issue and it was pretty clear that we were going to revisit. The union wanted to have an opportunity to review your revised job description and then we were going to meet again to discuss it. I guess I am simply asking, would it be a problem, if it was simply read tonight and then we address it when we come back after the August recess to be passed or not. I simply do not want to step on the union’s toes.

Council Member Boose: Madam President, I don’t have any issue with what the Law Director has suggested and talked about. The only reason we were trying to move this through was because at appropriations earlier in the year, we already discussed and approved this and budgeted for this beginning July 1. It has already been budgeted and that was the only reason for that. In lieu of the change in it and if that is such with the negotiations, I have no problem with that and I will leave it up to the Auditor.

Auditor Costin: Yes, that statement that you just made has not been fully communicated to me. I didn’t anticipate that we had an issue in this area. Frankly, I still don’t think we do, but if Council feels more comfortable as a result of what he discussed, I have no problem with that.

President Butkowski: Mr. Johnson?

Safety-Service Director Johnson: I will defer to the Law Director, but I believe the ordinance and the job description stand on their own. We change job descriptions often without coming back to Council to memorialize it. Job descriptions are there to simply back up the ordinance.

Law Director Crites: Technically, I would concur with you and the ordinance does create the position, it doesn’t mean the Administration fills it. However, I will leave what route is to be taken with Council and Administration. I just wanted to make sure everyone is aware that we are discussing it with the union currently.

Council Member Boose: Madam President, again, if in the discussions with the union representative were, that there would be some discussion after the new job description was brought forward, then if Mr. Corcoran would remove his second, I would remove my motion so that we can discuss this at the next meeting.

Council Member Corcoran: I’ll remove my second.

Council Member Boose: And I’ll remove my motion.

President Butkowski: Thank you. We had our first reading on this tonight. We will move on to T 97.

- T 97-2008 AN ORDINANCE AMENDING ORDINANCE NO. 4439-2007 BY INCLUDING THE FULL-TIME POSITION OF ASSISTANT DEPUTY AUDITOR, AND TO CREATE AND ESTABLISH A WAGE RATE FOR THIS POSITION.
First Reading
- T 98-2008 AN ORDINANCE CREATING A NEW CLASSIFICATION AND ESTABLISHING THE QUALIFICATIONS FOR THE FULL-TIME POSITION OF ACTIVITIES DIRECTOR AT THE OFFICE FOR OLDER ADULTS.
First Reading
- T 99-2008 AN ORDINANCE AMENDING ORDINANCE NO. 4373-07 (AFSCME CONTRACT) BY ESTABLISHING A PAY SCALE FOR THE FULL-TIME JOB POSITION OF ACTIVITIES DIRECTOR AT THE OFFICE FOR OLDER ADULTS.
First Reading
- T 100-2008 AN ORDINANCE CREATING A NEW CLASSIFICATION AND ESTABLISHING THE QUALIFICATIONS FOR THE FULL-TIME POSITION OF SEWER FOREMAN.
First Reading
- T 101-2008 AN ORDINANCE AMENDING ORDINANCE NO. 4486-2007 (DEPARTMENT HEAD SALARY ORDINANCE) BY INCLUDING THE FULL-TIME POSITION OF SEWER FOREMAN AND ESTABLISHING THE PAY RATE SCALE FOR THIS POSITION.
First Reading
- T 107-2008 AN ORDINANCE AMENDING NRCO 234.04 CONCERNING THE LAW DIRECTOR'S REPRESENTATION OF THE CITY AND EMPLOYEES.
First Reading
- T 104-2008
4559-2008 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 RECONSTRUCTION OF SIDEWALKS, DRIVEWAYS, GRADING AND ALL RELATED WORK FROM APPROXIMATELY 9462 ROOT ROAD TO 9465 ROOT ROAD, NOT TO EXCEED \$40,000.00.

First Reading

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

President Butkowski: Is there any discussion? We'll do a voice vote. All those in favor of dispensing with the second and third reading tonight say yes. All those opposed say no.

Yes, 7 No, 0

President Butkowski: Motion passed.

moved by Olesen, seconded by Corcoran to adopt T 104

President Butkowski: Is there any discussion?

moved by Boose, seconded by Jaenke to add the emergency in order to meet the fair weather requirements and to complete the work before the weather breaks

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

Yes, 7 No, 0

President Butkowski: Motion passed. A motion was made by Olesen and seconded by Corcoran to adopt with the emergency. Is there any discussion? All those in favor say yes. All those opposed no.

Yes, 7 No, 0

President Butkowski: Motion passed and the ordinance number is?

Clerk of Council Blakely: The new ordinance number is 4559-2008.

Permanent Ordinance No. 4559-2008

T 105-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
4560-2008 CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY
LAW WITH THE LOWEST AND BEST BIDDER FOR THE REMOVAL AND
DISPOSAL OF SLUDGE ACCUMULATED AT THE FRENCH CREEK
WASTEWATER TREATMENT PLANT AND FOR SITE RESTORATION
AND RELATED WORK NOT TO EXCEED \$1,250,000.00.

First Reading

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

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

Yes, 7 No, 0

President Butkowski: Motion passed.

moved by Boose, seconded by Olesen to adopt

moved by Boose, seconded by Olesen to add the emergency to meet the recommended EPA deadlines

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

Yes, 7 No, 0

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

Council Member Boose: Madam President, I have a comment and a question. This project was originally approved in appropriations earlier this year for 1,250,000 dollars. However, it is my understanding that this portion of the project only takes away the sludge that is already there. It does not take away the sludge that is coming off the conveyor belts and I thought perhaps, Mr. Johnson could explain, because we will be coming to Council in a Finance Committee meeting later this week to talk about the second phase of this. Because, again, under the EPA mandate, this is just the first part of it. It is going to be a continuing process.

Safety-Service Director Johnson: Yes, this does represent a substantial increase from the estimates we had for this project, but in that time period, gasoline has doubled and so has diesel fuel. A large part of it is hauling the sludge over a long distance. The bidders were also a little concerned about restrictions we had to put on it regarding the sludge dripping out of containers and we were requiring specialized containers. It does represent a substantial increase over what we expected it to cost. It is what it is. We are convinced that we got the best price range that we're going to get.

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

Yes, 7 No, 0

President Butkowski: Motion passed. That will be ordinance number?

Clerk of Council Blakely: 4560-2008

Permanent Ordinance No. 4560-2008

T 106-2008 A RESOLUTION OF SUPPORT FOR OHIO PUBLIC WORKS COMMISSION
1138-2008 PROJECT PRIORITIES

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.

Yes, 7 No, 0

President Butkowski: Motion passed.

moved by Boose, seconded by Corcoran to adopt

moved by Boose, seconded by Corcoran to add the emergency to meet the submission deadline

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

Yes, 7 No, 0

President Butkowski: Motion passed. A motion was made by Boose and seconded by Corcoran to adopt with the emergency. Is there any discussion?

Yes, 7 No, 0

\$800,000.00.

Third Reading

moved by Olesen, seconded by Boose to adopt

President Butkowski: Is there any discussion?

Council Member Boose: Yes, Madam President, just for Council's note. T 76, T 78, 79, 80, 81, 82 and 83 that are up for third readings this evening, were all approved in appropriations earlier this year and are ready to be funded.

President Butkowski: Is there any other discussion? All those in favor of adopting T 76, say yes. All those opposed no.

Yes, 7 No, 0

President Butkowski: Motion passed

Clerk of Council Blakely: It becomes ordinance number 4562.

Permanent Ordinance No. 4562-2008

T 78-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
4563-2008 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.

Third Reading

moved by Corcoran, seconded by McLaughlin to adopt

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

Yes, 7 No, 0

President Butkowski: Motion passed

Clerk of Council Blakely: It becomes ordinance number 4563.

Permanent Ordinance No. 4563-2008

T 79-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
4564-2008 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.

Third Reading

moved by Olesen, seconded by Jaenke to adopt

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

Yes, 7 No, 0

President Butkowski: Motion passed

Clerk of Council Blakely: It becomes ordinance number 4564-2008.

Permanent Ordinance No. 4564-2008

T 80-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
4565-2008 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.

Third Reading

moved by Corcoran, seconded by McLaughlin to adopt

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

Yes, 7 No, 0

President Butkowski: Motion passed. It becomes ordinance number?

Clerk of Council Blakely: 4565.

Permanent Ordinance No. 4565-2008

T 81-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
4566-2008 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.

Third Reading

moved by Corcoran, seconded by McLaughlin to adopt

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

Yes, 7 No, 0

President Butkowski: Motion passed. It becomes ordinance number?

Clerk of Council Blakely: 4566.

Permanent Ordinance No. 4566-2008

T 82-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
4567-2008 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.

Third Reading

moved by Corcoran, seconded by McLaughlin to adopt

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

Yes, 7 No, 0

President Butkowski: Motion passed. It becomes ordinance number?

Clerk of Council Blakely: 4567.

Permanent Ordinance No. 4567-2008

T 83-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
4568-2008 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.

Third Reading

moved by Corcoran, seconded by McLaughlin to adopt

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

Yes, 7 No, 0

President Butkowski: Motion passed. It becomes ordinance number?

Clerk of Council Blakely: 4568.

Permanent Ordinance No. 4568-2008

T 89-2008 AN ORDINANCE APPROVING THE FINAL CLUSTER SITE PLAN OF
4569-2008 PHASE I OF WATERSIDE PLACE IN WATERBURY SUBDIVISION NO. 4
FOR RECORDING PURPOSES ONLY.

Third Reading

moved by Corcoran, seconded by McLaughlin to adopt

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

Yes, 7 No, 0

President Butkowski: Motion passed. It becomes ordinance number?

Clerk of Council Blakely: 4569.

Permanent Ordinance No. 4569-2008

T 90-2008 AN ORDINANCE APPROVING THE FINAL PLAT OF SUBDIVISION NO. 11
4570-2008 IN PHASE 4 OF MEADOW LAKES PCD FOR RECORDING PURPOSES
ONLY.

Third Reading

moved by Corcoran, seconded by McLaughlin to adopt

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

Yes, 7 No, 0

President Butkowski: Motion passed. It becomes ordinance number?

Clerk of Council Blakely: 4570.

Permanent Ordinance No. 4570-2008

COMMITTEE MEETING ANNOUNCEMENTS:

President Butkowski:

Next Regular Council Meeting Tuesday, September 2, 2008 at 7:30 P.M. in Council Chambers.

President Butkowski: I wanted to thank Mr. Blakely for surviving his first meeting and also I want to let everyone know that Council will be in recess for the month of August.

ADJOURNMENT:

 moved by Corcoran to adjourn

Meeting adjourned at 9:15 P.M.

Approval of Minutes:

MOTION Jaenke 2ND Corcoran DATE September 2, 2008

YES 7 NO 0 ABSTAIN 0