

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING SEPTEMBER 15, 2008**

CALL TO ORDER: 7:30 P.M.

President Butkowski: I call to order the North Ridgeville City Council Meeting of Monday, September 15. Please stand for the invocation and pledge of allegiance.

INVOCATION: lead by President Butkowski.

PLEDGE OF ALLEGIANCE: by all.

President Butkowski: Before we get started, I would like to thank the Police, Auxiliary Police, Fire Department, and the Service Department for all they did to help with last night's storm to get our City back to order. Please call the roll.

ROLL CALL:

Present were Council Members Nancy Buescher, Dennis Boose, Richard Jaenke, Bob Olesen, Kevin Corcoran, and President Bernadine Butkowski.
Absent was Council Member Ray McLaughlin.
Also, present were Mayor David Gillock, Safety-Service Director Denny Johnson, Law Director Andrew Crites, Engineer Larry Griffith, Auditor Chris Costin and Clerk of Council Warren Blakely

MINUTES - Corrections (if any) and Approval:

Council Minutes of regular meeting held September 2, 2008

moved by Jaenke, seconded by Corcoran to approve

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

Yes, 6 No, 0

President Butkowski: Please note:

Board of Zoning and Building Appeals Minutes of regular meeting August 28, 2008 and
Planning Commission Minutes of regular meeting August 12, 2008.

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 the Council. Will the first person, who comes up to the microphone, please turn it on? Is there anyone interested in speaking tonight?

1) John R. Sanderson of 32975 Bagley Road commended the Police, Fire and emergency rescue for doing a very good job at responding to last night's calls. He also expressed his concerns relating to the moratorium placed on the PCD legislation and agreed that there should be a moratorium on the housing development in this City, as the housing developments, that are currently in progress are having a difficult time selling the homes they built.

2) Paul Papes of 5240 North Lear Nagle expressed his concerns relating to an article in the Press regarding the City approving a higher bid on a specific bid proposal. He also noted that he has not been answered on his question he posed to Council last week regarding the cost of police support cars.

3) John R. Sanderson of 32975 Bagley Road expressed his concerns relating to illegal immigrants working across the street in the crossing. He believes that they are working for the landscaper that is doing most of the landscaping for the residents. He expressed his opposition regarding the illegal immigration and amnesty and asked that the City respond in some nature to investigate this and do something about it.

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

4) Paul Papes of 5240 North Lear Nagle suggested that the only way of saving money in this City is for Council to start saying no. He specifically noted the ordinances creating new jobs.

President Butkowski: Thank you. Is there anyone else? Now, we will move on to the Administration Reports. Mayor Gillock?

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you, Madam President and good evening to everyone. I would like to echo the sentiments expressed by several people tonight regarding the fine job our safety forces did yesterday evening. Following that same line of thought, I would like to advise our residents that Ohio Edison has informed us that approximately 850 homes in North Ridgeville were out of power yet today. Crews are working as fast as they can, but because of the widespread of the severe damage, complete power and restoration will not occur until Wednesday evening. Crews

are being called back from Texas, which had been sent there to help with the Hurricanes. They have also been called in from Pennsylvania and New Jersey to assist in this area. Areas will be fixed as they go and will be spotty, but full total restoration, that have indicated to us, will not occur until Wednesday evening. For those still without power, you can obtain water and ice at Giant Eagle, courtesy of Ohio Edison. They are attempting, even as we speak, to restore power to the High School. We are hopeful that schools will be open tomorrow, but at this point, it does remain uncertain. It is possible that some schools may open, while others do not. Please check your normal means of notification in the morning including their website, emergency phone notification and so forth. We hope that they can get the schools back up and running as soon as possible.

I have an important appointment this evening, that I would like Council to consider. After several interviews, we have selected Mr. Bill Gluvna to be the new Service Department Superintendent. Bill, would you please stand up and be recognized. Bill is a North Ridgeville resident and has served on the Board of Building and Zoning Appeals for several years. He has extensive experience as a City Councilman, having served on Council in Fairview Park and is currently employed by the City of Rocky River. Both Mayors Patton and Bobst speak very highly of Bill and recommend him highly. We feel his government experience, as well as his enthusiastic demeanor, will help in to be an excellent Department Head and make a great Service Department even better.

moved by Mayor Gillock, seconded by Olesen to approve Bill Gluvna as the new Service Department Superintendent

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

Yes, 6 No, 0

Clerk of Council Blakely: Passes by a vote of six to zero.

Mayor Gillock: Thank you. Congratulations Mr. Gluvna and welcome aboard.

Mayor Gillock: You will find on your desk this evening an ordinance and a resolution, that I would like to add to the agenda. The first is to authorize an appeal to the State Board of Tax Appeals from the action by the Lorain County Budget Commission in order to protect the City's rights and interest. I would ask the Clerk to assign a T number.

moved by Mayor Gillock, seconded by Olesen to suspend the By-Laws to add this resolution to our Agenda under First Readings

Clerk of Council Blakely: That will be T 123-2008.

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

Yes, 6 No, 0

Mayor Gillock: Thank you. The ordinance I submitted to you is to revise the appropriation for the Dyke Road Sewer project. The bids came in slightly higher than estimated and we need to change the total amount from 3,900,000 to 4,000,000. Again, I would ask the Clerk to assign a T number.

moved by Mayor Gillock, seconded by Corcoran to suspend the By-Laws to add this ordinance to our Agenda under New Business with no urgency attached

Clerk of Council Blakely: That will be T 124-2008.

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

Yes, 6 No, 0

Mayor Gillock: Thank you and that concludes my report.

President Butkowski: Thank you. Are there any questions of the Mayor? Moving on to our Safety-Service Director Denny Johnson.

B. Safety-Service Director:

Safety-Service Director Johnson: Thank you, Madam President. For the viewing audience that has power, the Service Department will chip and remove tree branches damaged by the storm. Branches should be moved to the road berm or your tree lawn area and should be no larger than two to three inches in diameter. The chipping will be done over a seven to ten day period as other work load allows.

I ask that T 118-2008 and T 120-2008 on your agenda be passed tonight with the emergency clause. T 118 will allow us to proceed with in-house sludge hauling. We would like to start hauling by October 31st and it will take some time to bid and deliver the equipment.

T 120 allows our Engineering department to use funds already appropriated for manhole realignment on various other manholes as funds permit. That concludes my report.

President Butkowski: Thank you. Are there any questions regarding Mr. Johnson's report? We'll move on to Mr. Griffith, the Engineer.

C. Engineer:

Engineer Griffith: Thank you, Madam President. I apologize to Council, as I seem to have left my report on my desk. As I recall, I was going to say that now, with the end of summer, most people will be emptying their pools or spas; if they have one and I would just like to caution everyone, that when doing that, please make sure that the chlorine dissipates before emptying the water and if possible, please drain it directly into the sanitary instead of into our streams and ditches. That concludes my report this evening.

President Butkowski: Are there any questions of our Engineer? I have a question. Do you want the pool drained into the sanitary sewer or storm sewer?

Engineer Griffith: Sanitary. That way, if there is any residual chlorine still in it. The reason you put chlorine in a pool is to kill the bacteria and any germs. If you put it in the streams and ditches, it will do the same thing to the aquatic life that is trying to grow in the streams and ditches.

President Butkowski: Thank you. I just wanted to be sure that it was made a point. We're moving on to the Auditor, Mr. Costin.

D. Auditor:

Auditor Costin: Thank you, Madam Chairman. The first item of business is the Written Auditor's Report for the month of August, which you received and I would request your passage.

Auditor's Written Financial Report for August 2008

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

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

Yes, 6 No, 0

Clerk of Council Blakely: Passes by a vote of six to zero.

Auditor Costin: Thank you. The second item is before you also. At your desks, was an amended appropriation ordinance. This ordinance incorporates the items that have been recently passed by Council in other legislation. It also includes appropriations related to the French Creek Waste Water sludge removal for which is other legislation that you have been requested to pass tonight. It includes an adjustment to the appropriation to the Stoney Ridge and Center Ridge intersection project and an adjustment made to the Dyke Road and Case Road bid. I would request that in order to pass the other legislation tonight, that you consider passing this amended appropriation with the emergency as well.

moved by Boose, seconded by Buescher to suspend By-Laws to have the Clerk issue a temporary number and to allow this to have its first reading this evening

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

Yes, 6 No, 0

Clerk of Council Blakely: The T number is 125-2008.

Auditor Costin: Finally, I mentioned at the last meeting that Council could anticipate bond legislation for this meeting. As it is, there were a couple of items of financial information that were unavailable to our bond counsel and accordingly, Council could expect the bond legislation at a subsequent meeting; either the first or second meeting in October. We are proceeding expeditiously to issue those bonds and as a result, you will have that bond legislation shortly. That concludes my report and comments.

President Butkowski: Thank you. We'll move on to other reports.

E. Other Reports:

President Butkowski: Please note the:

Mayor's Court Report for August 2008;
Fire Department Reports for July and August 2008;
OM Public Sector Solutions Monthly Report dated September 5, 2008; and
Public Water System Operation Report for August 2008

President Butkowski: Clerk, could you please read the Planning Commission report to Council of the regular meeting September 9, 2008.

Clerk of Council Blakely:

Planning Commission Report to Council of regular meeting September 9, 2008:

APPLICANT: Anthony M. Valore, Valore Properties, Inc., 23550 Center Ridge Road, Westlake, Ohio 44145

OWNER: Valore Properties, Inc. 23550 Center Ridge Road, Westlake, Ohio 44145; NVR, Inc., 31388 Industrial Park, North Olmsted, Ohio 44070; Richard Mucha, 5875 Stoney Ridge Road; Thomas E. Miller, Trustee, 35015 Chestnut Ridge Road; Daniel R. and Jennifer Stopper, 6479 Stoney Ridge Road; Della Dorow, Trustee, 6305 Stoney Ridge Road; Irene Berlovan 6082 Avon Belden Road; and Heather Foldi (fka Houser), 6327 Stoney Ridge Road

REQUEST: Preliminary plan approval for a Planned Community Development to be known as Hampton Place

LOCATION: Approximately 218 acres situated between Avon Belden Road and Stoney Ridge Road in an R-1 District

Permanent Parcel Numbers 07-00-029-000-073, 07-00-029-000-072, 07-00-029-000-003, 07-00-029-000-004, 07-00-029-000-006, 07-00-029-000-068, 07-00-029-000-150, 07-00-029-000-111, 07-00-029-000-015, 07-00-029-000-085, 07-00-029-000-057, 07-00-028-102-092, and S/L 2 through 34 and Blocks A through F in Hampton Place Subdivision No. 1 and part of Permanent Parcel Numbers 07-00-029-000-016, 07-00-029-000-017, 07-00-029-000-018, 07-00-029-000-066 and No. 07-00-029-000-005

PC ACTION: Postponed by a vote of 3-1

Note: Copies of the supporting information, pertaining to this case, were provided in the August Report.

moved by Boose, seconded by Buescher to inform the Planning Commission that Council is requiring their report and recommendation in favor of or against the Preliminary Plan

Approval for the Planned Community Development to be known as Hampton Place at the request of Anthony M. Valore, Valore Properties, Inc. within the next 30 days pursuant to the North Ridgeville Charter Section 8.8 Mandatory Referral of Legislation, which authorizes Council to provide a specified period of time of said report and recommendation

President Butkowski: Is there any discussion?

Council Member Boose: Madam President. The applicant presented the original request for a Preliminary Plan Approval for a Planned Community Development to be known as Hampton Place on July 14, 2008. Section 8.8 of the North Ridgeville Charter states that "any matter so referred to the Planning Commission shall be acted upon by it within 60 days from the date of the referral unless a different time be provided by Council." And "If the Planning Commission shall fail to act with the time allotted, it shall be deemed to have approved such matter." In addition, North Ridgeville Codified Ordinance 1279.05 of the PCD Planned Community Development District states that "within 60 days after an application has been filed with the Clerk of Council, the Planning Commission shall evaluate the application and issue its own report to City Council. The report of the Planning Commission shall include the finding either that the application complies with the design standards and criteria described by the zoning code for a PCD district or a finding of any failure of such compliance and a recommendation that the application be approved, disapproved or modified. If the Planning Commission does not act on the application within 60 days from the date of the referral, it shall be deemed approved." The 60 days expired yesterday. In my opinion, there is a question as to whether or not Planning Commission's action of a postponement meets the requirements set in the North Ridgeville Codified Ordinance 1279.05, which specifically requires the plan to be "approved, disapproved or modified". The question becomes further clouded when our current and past Law Directors have determined that an action of postponement is considered an official act per the City Charter as previously quoted. Therefore, irrespective of the quandary between the PCD ordinance and the Charter, I am recommending that Council exercise their powers under the North Ridgeville City Charter Section 8.8, which provides us the authority to set a specific period of time for their completed report and recommendation. This, in essence, will provide more than 90 days for the entire review of the Preliminary Plan, which is more lenient than the original amount of time intended by our Charter and the PCD ordinance. What it will do, however, is make sure that this specific issue does not continue to drag on and on without a resolution and within a reasonable period of time. Since the Planning Commission has already decided that the plan as presented is complete enough for formal consideration, it should not be a hardship on the Commission nor the applicant to meet this deadline. Again, this is the original amount of time intended by our Charter and the PCD ordinance.

President Butkowski: Is there any other discussion?

Mayor Gillock: Madam President. I understand what Councilman Boose is saying. I do have some questions concerning it. My first concern is, historically, when Planning Commission has postponed something, it has been considered to be action taken. So, I question whether the 60

days has expired. The major point to him is that in this particular situation, we obtained a Planner's report on this, which was 13 pages long and was quite complex. I don't want to handcuff Planning's ability to have time to digest and research the information. That is my only concern. I think where a system is built, it gives them that ability, that when they need more time they could postpone. We have always said that when they need more time, they could postpone it a month to do their research. I would hate to put artificial barriers in there, that would restrict the time that they might need. Thank you.

President Butkowski: Thank you.

Council Member Buescher: Madam President, when the original PCD was submitted to Council, it was very sparse. It should have been complete when the application was filed. Now, there are major, major changes that the developer wants to make. This could go on endlessly, when he should have been prepared from the beginning to have all his ducks in a row. So, I agree with Mr. Boose that we are extending beyond the 60 days already. This will be a third postponement. I believe that the developer should start all over again, if he can't get things into order and submit them to the City for approval.

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

Council Member Olesen: Yes, Madam President. By the same token, in the past we have been critical of Planning Commission for rushing through on decisions and not being fully prepared. Now, are we backing off from this premise at this point? That is my question.

Council Member Corcoran: Madam President. I haven't been to those meetings, so I am not familiar with all the issues that have been proposed. I believe that with the Planner's report that was given to the Developer; I believe that there were 13 pages as the Mayor pointed out, of recommendations and given the extent of those recommendations, I would think, that you would want to give someone the opportunity to conform to those items that were pointed out in the Planner's review. I don't know if some of those items can be done in a short time frame as you would like them to be. That is my fear of putting restrictions on time frames, when the time that you might need might extend past that and I would hate to cut someone off at the knees, just because they are trying to conform with what we, essentially through our Planner, have told them to conform to.

President Butkowski: Is there any other discussion?

Council Member Boose: Madam President. Just to respond, I would be the last person that would want the Planning Commission to rush through something, because I too, have every reason to want them to do their due diligence in time to make sure that things happen appropriately. My concern has been that, the Developer; again, I have been to each of those meetings and the 13 pages that the City Planner has come up with, they themselves have indicated or not indicated, other than they needed more time this time, time restraints that they couldn't get that done during the next meeting. They didn't definitely say that they couldn't. They didn't say any more time beyond the next meeting, because they asked for a postponement until the next meeting. So, my only concern is that Planning Commission and the Developer has said it is a complete plan. They reviewed the information from the City Planner. I think 30 days

is reasonable. If Council would suggest that an additional 30 days would be more reasonable, I would be willing to consider that as well. I just think, to leave it open forever, lends itself to just hanging on for the purpose of hanging on.

Council Member Buescher: Madam President. May I also remind everyone that there was a moratorium in place for the City to look at this PCD legislation and try to make it better and the Developer submitted his application two days; under the wire, before the moratorium went into place. He came forward without a complete Preliminary, as it should have been in place according to our legislation and now is extending his desire to improve on it, as he goes along and I don't believe that this is good City business. I believe that the moratorium was thwarted by this process and we, as Council, are simply letting this continue to our own disadvantage and to the disadvantage to the people in the City.

Council Member Corcoran: Madam President. I would hate to give the impression that because we are upset at how the moratorium was thwarted in this process, that we are trying to retaliate against someone by putting a time restriction on them. That might be unreasonable without knowing whether it is unreasonable or not. I don't mind adding an additional 30 days to give Planning Commission 60 days to report back to us, since we don't know the answer to the question and I think that is fair. At least, we could ask the question before we put 30 days on or we could give them 60. Either way, would be fine with me.

Council Member Buescher: Madam President, or we could deny this postponement tonight.

Council Member Olesen: If we go to 60 days because of the Planner's intervening on this process with a laundry list of changes, I could go along with Mr. Boose's proposal.

Council Member Jaenke: Madam President, I would support the 60 days as well versus the 30 days. I think based on the circumstances and the conditions, that would be appropriate.

Council Member Boose: Madam President. First off, I just want to make it clear that I am not considering or suggesting 30 days in retaliation of anything. That is not my intent whatsoever. What Mrs. Buescher speaks of is from her own accord and does not have anything to do with the motivation that I have for this. My motivation is to move legislation along as expeditiously as possible and if she would be willing, since she seconded my motion to withdraw her second, I would certainly change my motion from 30 days to 60 days.

Law Director Crites: As a point of order, I am sitting here contemplating the Robert's Rules I keep in my brain, as to whether or not the concept of changing from 30 to 60 would be an intervening motion from your original motion or a subsidiary motion. Because it is an oral motion, I find it bulky. I like the method in which you were taking and that is to actually withdraw the motion, because you made it and then make another to change it to 60. In my opinion, the contrary is to go forward as 30 and will probably be defeated and then any other member of Council could make a secondary motion for 60. I think that the body would be acting in the most sound manner if your motion was amended from 30 to 60 and then it was voted upon.

Council Member Buescher: I will withdraw my second.

moved by Boose, seconded by Buescher to amend the motion to be 60 days versus 30 days

Council Member Boose: Madam President, that would be up to a maximum of 60 days. I am hoping that Planning Commission and the Developer can work within the grounds of getting it done at the next meeting.

President Butkowski: Is there any further discussion on the motion to change it to 60 days?
Clerk, Please call the roll.

Yes, 6 No, 0

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

APPLICANT: Keith E. Jones, 1122 6th Street, Lorain, Ohio 44052

OWNER: Same

REQUEST: Site plan approval to construct a storage facility

LOCATION: Mills Industrial Parkway in an I-2 District
Permanent Parcel No. 07-00-018-101-214

PC ACTION: Approved by a vote of 4-0

moved by Olesen, seconded by Jaenke to approve

President Butkowski: Is there any discussion?

Council Member Boose: Madam President. I was in attendance during both meetings where this was discussed and it is in my Ward. There were several issues that I want to thank Mr. Jones and his architect for working with the changes that the Planning Commission and others had suggested and accommodating specifically the east and southern boundary of the property, which butts up against residential zoning and I want to thank them for the work they did in changing that. Thank you.

President Butkowski: Is there any other discussion?

Yes, 6 No, 0

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

T 108-2008 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO KNOWN AS THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING LAND: APPROXIMATELY 218 ACRES SITUATED BETWEEN AVON BELDEN ROAD AND STONEY RIDGE ROAD AND SHOWN BY LEGAL DESCRIPTION BELOW; FROM R-1 RESIDENCE DISTRICT TO PCD PLANNED COMMUNITY DEVELOPMENT AS PETITIONED BY ANTHONY M. VALORE, VALORE PROPERTIES, INC

PC ACTION: Postponed by a vote of 3-1

Note: Copies of the supporting information, pertaining to this case, were provided in the August Report.

Council Member Boose: Madam President. As T 108 has been moving through Planning Commission, along with the request for the Preliminary Plan Approval for the Planned Community Development to be known as Hampton Place.

moved by Boose, seconded by Buescher to inform the Planning Commission that Council is requiring their report and recommendation in favor of or against T 108-2008 within the next 60 days pursuant to the North Ridgeville Charter Section 8.8

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

Yes, 6 No, 0

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

APPLICANT: Randy Entler, Windstream, 560 Ternes Street, Elyria, Ohio 44035

OWNER: Faith Baptist Church, 8570 Root Road

REQUEST: Approval to upgrade existing telecommunication switching equipment at an existing cell tower site

LOCATION: 8570 Root Road in an I-2 District
Permanent Parcel No. 07-00-014-105-131

PC ACTION: Approved by a vote of 4-0

moved by Jaenke, seconded by Corcoran to approve

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

Yes, 6 No, 0

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

APPLICANT: David Miller, Guenther Enterprises, 6722 Center Road, Valley City, Ohio 44280

OWNER: Kalt Manufacturing, 36700 Sugar Ridge

REQUEST: Approval to construct a 16,000 square foot addition to existing building

LOCATION: 36700 Sugar Ridge Road in an I-2 District
Permanent Parcel No. 07-00-026-101-049

PC ACTION: Approved by a vote of 4-0

moved by Jaenke, seconded by Olesen to approve

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

Yes, 6 No, 0

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

APPLICANT: Nicholas Abraham, MMCA Development, LLC, 7830 Pyle South Amherst Road, Amherst, Ohio 44001

REQUEST: Approval to construct a 5,850 square foot addition to existing building

LOCATION: 38819 Taylor Parkway in an I-3 District
Permanent Parcel No. 07-00-047-000-106

PC ACTION: Approved by a vote of 4-0

moved by Corcoran, seconded by Boose to approve

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

Yes, 6 No, 0

Clerk of Council Blakley: Motion passes by a vote of six to zero.

APPLICANT: Verizon Wireless c/o Schnelz Wells, P.C., 280 N. Old Woodward, Suite 250,
Birmingham, Michigan 48009

OWNER: Gary and Belinda Pierce, 8067 Maddock Road

REQUEST: Approval to collocate Verizon antennas on an exiting T-Mobile cell tower and to
install a 345 square foot equipment shelter within the existing fenced area

LOCATION: 8067 Maddock Road in an I-2 District
Permanent Parcel No. 07-00-027-109-021

PC ACTION: Approved by a vote of 4-0
moved by Jaenke, seconded by Corcoran to approve

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

Yes, 6 No, 0

Clerk of Council Blakley: Motion passes by a vote of six to zero.

President Butkowski: We have no Council Committee Reports tonight, so we will move on to
correspondence.

CORRESPONDENCE:

Clerk of Council Blakely:

- 1) Received a letter from Gregory J. Smith, Chief of the Division of Environmental and
Financial Assistance of the State of Ohio Environmental Protection Agency requesting the City's
Ohio Water Pollution Control Loan Fund project nominations for the program year 2009 and
submitting a list of funding features they will be considering.
- 2) Received a letter from Congresswoman Betty Sutton in regard to the Lorain Earned
Income Tax Credit Coalition.
- 3) Received a memo from Clerk of Council Warren W. Blakely regarding the reading of
permanent parcel numbers shown in Planning Commission's written report.
- 4) Received a letter from Council Member Dennis Boose in regard to his disappointment of
the closed Master Plan Committee meeting

President Butkowski: Moving on, we have no old business tonight.

NEW BUSINESS:

President Butkowski:

Request from the Parks & Recreation Commission for Council approval to expend \$13,500 from the Parks & Recreation Improvement Fund for the purchase and installation of concrete as an addition to the Splash pad at South Central Park

moved by Corcoran, seconded by Boose to approve

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

Yes, 6 No, 0

President Butkowski: Clerk, could you read the rest of new business tonight.

T 117-2008 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO
SIGNAL SERVICES COMPANY FOR EMERGENCY REPAIRS TO A
TRAFFIC LIGHT IN THE AMOUNT OF \$17,732.25.

moved by Butkowski, seconded by Boose to suspend the By-Laws to give T 117 its first reading

President Butkowski: I have some discussion. Mayor, you said that we needed this repair because there was an accident. Is there any possibility to recover this money from the insurance of the person who caused the accident? ‘

Mayor Gillock: I will defer to the Safety-Service Director.

Safety-Service Director Johnson: This is for the traffic control device at Lorain and Lear Nagle. Some time ago, it was hit by a car and supposedly destroyed. We are working with the insurance company on it. However, we still have to pay the bill.

President Butkowski: I just wondered if there was a possibility of recovery.

Mayor Gillock: We actually do that quite often. We file claims all the time to get reimbursement on these types of things.

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

Yes, 6 No, 0

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

T 118-2008 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
RIDGEVILLE TO PURCHASE A VEHICLE AND RELATED EQUIPMENT
FROM THE STATE CO-OP FOR THE DAILY HAULING OF SLUDGE FROM
THE FRENCH CREEK WASTEWATER TREATMENT PLANT, OR TO
ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH AN
OUTSIDE VENDOR ACCORDING TO LAW AND IN A MANNER
PRESCRIBED BY LAW, NOT TO EXCEED \$170,000.00.

moved by Olesen, seconded by Corcoran to suspend the By-Laws to give T 118 its first reading

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

Yes, 6 No, 0

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

T 119-2008 AN ORDINANCE AMENDING NRCO SECTION 1474.09 DETENTION PONDS BY ADDING A MINIMUM SETBACK OF TEN (10) FEET FROM PROPERTY LINES TO THE TOP OF BANK OF STORM WATER STORAGE BASINS.

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

T 120-2008 AN ORDINANCE AMENDING ORDINANCE NO. 4535-2008 REGARDING THE REALIGNMENT OF SANITARY SEWER FLOW AT SANITARY MANHOLES BY ADDING THE FOLLOWING LOCATIONS TO THE EXTENT THAT THE \$200,000.00 ALLOCATED FUNDS WILL ALLOW: JAYCOX ROAD AT MILLS ROAD; MAIN STREET AT MAY STREET; DEBORAH DRIVE AT JAYCOX ROAD; ADELE STREET AT LEAR NAGLE ROAD; BIRCH STREET AT GARRETT DRIVE; AND GARRETT DRIVE AT MILLS ROAD.

moved by Boose, seconded by Buescher to suspend the By-Laws to give T 120 its first reading

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

Yes, 6 No, 0

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

T 121-2008 AN ORDINANCE AMENDING CHAPTER 1226 AND CREATING SECTION 1226.16 BY ADDING STANDARD CONSTRUCTION DETAILS TO ENGINEERING DEPARTMENT REQUIREMENTS FOR CONSTRUCTION WITHIN THE CITY OF NORTH RIDGEVILLE.

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

T 122-2008 AN ORDINANCE AMENDING NRCO SECTION 1046.19 WATER LINE MATERIAL AND CONSTRUCTION SPECIFICATIONS BY ADOPTING THE ATTACHED UPDATED AND REVISED WATER LINE MATERIAL AND CONSTRUCTION SPECIFICATIONS FOR THE CITY OF NORTH RIDGEVILLE, OHIO.

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

RECESS:

Council adjourned to recess at 8:23 P.M.
Council resumed the meeting at 8:35 P.M.

FIRST READINGS:

Clerk of Council Blakely:

T 117-2008 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO
1142-2008 SIGNAL SERVICES COMPANY FOR EMERGENCY REPAIRS TO A
TRAFFIC LIGHT IN THE AMOUNT OF \$17,732.25.

First Reading

moved by Butkowski, seconded by Jaenke to dispense with the second and third readings

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

Yes, 6 No, 0

moved by Boose, seconded by Jaenke to adopt

President Butkowski: Is there any discussion?

Council Member Boose: Madam President, just a question of the Auditor. From what funds will this be coming from to pay this?

Auditor Costin: I don't remember. I did this out this afternoon, that the money is appropriated. I believe it is from our traffic signal fund.

President Butkowski: Mr. Gillock, do we need the emergency on this?

Mayor Gillock: No.

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

Yes, 6 No, 0

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

President Butkowski: The resolution number? I believe that it is resolution 1142.

Clerk of Council Blakely: Correct. It is resolution number 1142.

Permanent Resolution No. 1142-2008

T 118-2008 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4583-2008 RIDGEVILLE TO PURCHASE A VEHICLE AND RELATED EQUIPMENT
FROM THE STATE CO-OP FOR THE DAILY HAULING OF SLUDGE FROM
THE FRENCH CREEK WASTEWATER TREATMENT PLANT, OR TO
ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH AN
OUTSIDE VENDOR ACCORDING TO LAW AND IN A MANNER
PRESCRIBED BY LAW, NOT TO EXCEED \$170,000.00.

First Reading

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

President Butkowski: Is there any discussion?

Auditor Costin: The only reminder, Madam Chairman, is that the appropriation for this item T 118 is included in the amended appropriation on the agenda tonight, which is T 125.

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

Yes, 6 No, 0

moved by Olesen, seconded by Boose to adopt

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

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

Yes, 6 No, 0

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

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

Council Member Boose: Madam President, just a question of the Safety-Service Director. By the wording of the ordinance, it states or to enter into a contract with an outside vendor. Have we not yet decided then, that we are going to take this project on internally and if so, do we know what the total cost of the project will be, if we do it internally? I know it is a substantial savings from the initial bids that we received. I just want some clarification.

Safety-Service Director Johnson: The wording is not quite right there. We would either purchase from the State Co-op or go out to bid on it.

Mayor Gillock: Madam President, we are proceeding with the project. We have looked at some trucks and have priced some trucks. With the State bid list, there is a certain truck they will provide for a certain dollar amount. If we can bid it and receive a lower bid, then we can do that. This will allow us to go either way. This also includes two roll off containers, which go with it. It is a straight truck with portable beds, so that you can fill one while the other one is being taken to the landfill and then the truck will come back and the beds can then be switched. The bids came in for two years. The bid was approximately 1.6 million dollars and we figured in a total investment of approximately 500,000 dollars. It will cost approximately 500,000 dollars for the first year and 250,000 dollars the second year. Over a two year period, we will save around one million dollars in doing this ourselves.

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

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero and becomes ordinance number 4583-2008.

Permanent Ordinance No. 4583-2008

T 120-2008 AN ORDINANCE AMENDING ORDINANCE NO. 4535-2008 REGARDING
4584-2008 THE REALIGNMENT OF SANITARY SEWER FLOW AT SANITARY

MANHOLES BY ADDING THE FOLLOWING LOCATIONS TO THE EXTENT THAT THE \$200,000.00 ALLOCATED FUNDS WILL ALLOW: JAYCOX ROAD AT MILLS ROAD; MAIN STREET AT MAY STREET; DEBORAH DRIVE AT JAYCOX ROAD; ADELE STREET AT LEAR NAGLE ROAD; BIRCH STREET AT GARRETT DRIVE; AND GARRETT DRIVE AT MILLS ROAD.

First Reading

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

President Butkowski: Is there any discussion?

Yes, 6 No, 0

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

moved by Boose, seconded by Buescher to adopt

moved by Boose, seconded by Buescher to add the emergency to better utilize the funds already appropriated for the health, safety and welfare of our community

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

Yes, 6 No, 0

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

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

Council Member Boose: Madam President, it is a great program. The realignment of the sanitary flows and the additional manholes that have already been approved earlier by name. We've talked about this in appropriations with the Street and Engineering Departments. It should greatly help the flow through those problem areas and I'm glad to see that hopefully, we could extend this project to a few more locations.

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

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six, zero and becomes ordinance number 4584-2008.

Permanent Ordinance No. 4584-2008

T 123-2008 A RESOLUTION AUTHORIZING AN APPEAL TO THE STATE OF OHIO
1143-2008 BOARD OF TAX APPEALS BY THE CHIEF FISCAL OFFICER OF THE
CITY OF NORTH RIDGEVILLE, OHIO, FROM THE ACTION BY THE
LORAIN COUNTY BUDGET COMMISSION APPORTIONING THE
UNDIVIDED LOCAL GOVERNMENT FUND ENTITLEMENT TO
SUBDIVISIONS IN LORAIN COUNTY FOR THE 2009 YEAR IN
ACCORDANCE WITH THE IMPROPER ALTERNATIVE FORMULA
AGREEMENT ENTERED INTO IN 2003, IN ORDER TO PROTECT THE
CITY'S RIGHTS AND INTERESTS IN AND TO ITS ALLOCATION OF

SUCH FUNDS UNDER CHAPTER 5747 OF THE OHIO REVISED CODE.

First Reading

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

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

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six, zero.

moved by Corcoran, seconded by Olesen to adopt

moved by Mayor Gillock, seconded by Buescher to add the emergency in order to meet the filing deadline

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

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six, zero.

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

President Butkowski: T 123 becomes resolution number?

Clerk of Council Blakely: Resolution number 1143-2008.

Permanent Resolution No. 1143-2008

T 124-2008 AN ORDINANCE AMENDING ORDINANCE NO. 4534-2008 REGARDING THE CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S SANITARY AND STORM SEWER SYSTEMS AND WATER MAINS ON DYKE AVENUE AND THE SURROUNDING AREA, TOGETHER WITH NECESSARY APPURTENANCES AND WORK-RELATED INCIDENTALS THERETO, BY INCREASING THE AMOUNT FROM \$3,900,000.00 TO \$4,000,000.00.

First Reading

T 125-2008 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 4585-2008 4513-2008, 4521-2008, AND 4543-2008 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2008 AND ENDING DECEMBER 31, 2008.

First Reading

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

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

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six, zero.

moved by Boose, seconded by Olesen to adopt

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

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

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six, zero.

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

Yes, 6 No, 0

President Butkowski: That becomes ordinance number 4585-2008.

Permanent Ordinance No. 4585-2008

SECOND READINGS

Clerk of Council Blakely:

T 87-2008 AN ORDINANCE DESIGNATING RESPONSIBILITY OF OWNERS FOR COLLECTION AND REMOVAL OF FECES DEPOSITED BY THE DEFECATION OF ANY ANIMAL UPON ANY PUBLIC OR PRIVATE PROPERTY; EXEMPTING GUIDE DOGS UNDER CONTROL OF BLIND PERSONS.

Second Reading

President Butkowski: Thank you. We have no third readings tonight.

COMMITTEE MEETING ANNOUNCEMENTS:

President Butkowski:

Next Regular Council Meeting Monday, October 6, 2008 at 7:30 P.M. in Council Chambers

ADJOURNMENT:

moved by Jaenke to adjourn

Meeting adjourned at 8:53 P.M.

Approval of Minutes:

MOTION _____ Olesen _____ 2ND _____ Corcoran _____ DATE October 6, 2008

YES 6 NO 0 ABSTAIN 1 - McLaughlin III