

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING OCTOBER 6, 2008**

CALL TO ORDER: 7:30 P.M.

President Butkowski: I call to order the North Ridgeville City Council Meeting of Monday, October 6. Please stand for the invocation and pledge of allegiance.

INVOCATION: lead by President Butkowski.

PLEDGE OF ALLEGIANCE: by all.

ROLL CALL:

Present were Council Members Nancy Buescher, Dennis Boose, Bob Olesen, Kevin Corcoran, Ray McLaughlin and President Bernadine Butkowski.

Absent was Council Member Richard Jaenke.

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 15, 2008

 moved by Olesen, seconded by Corcoran to approve

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

 Yes, 5 No, 0 Abstain, 1 (McLaughlin)

Clerk of Council Blakely: Minutes are approved by a vote of five, zero with one abstention.

President Butkowski: Please note:

Planning Commission Minutes of regular meeting September 9, 2008;

Civil Service Commission Minutes of regular meeting September 16, 2008;

Parks & Recreation Commission Minutes of regular meeting August 27, 2008; and

Board of Zoning and Building Appeals Minutes of regular meetings August 28, 2008 and September 25, 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 Council. Please remember, if you are the first person, to turn on the microphone. Is there anyone interested in speaking tonight?

1) Bob Slovak of 7145 Case Road suggested that Council move the Lobby portion of their meetings before First Readings noting that this will allow the audience the opportunity to voice their opinions on resolutions or ordinances. He explained that there are ordinances and resolutions that are being passed without the audience having an opportunity to be heard. Council Member McLaughlin: Madam President, may I ask the Law Director a question? Is there anything that says that we can't have two lobbies. The only reason I am asking is, because I understand the reason for where it is now and I also understand what Mr. Slovak was asking. If we had one where it is now and just had one listed on the agenda before the First Readings and if there were no questions, then we could just move onto the next step. Law Director Crites: There is no legal prohibition from doing that. The only prohibition would be those practical and pragmatic time concerns. It could be done. You could amend your By-Laws to do it that way if you wanted to.

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

2) Lois Sullivan of 5880 Jaycox Road expressed her opposition to where the Lobby portion of the meeting is located on the agenda. She asked if there is really a valid reason for having it before the First Readings.

President Butkowski: Thank you. Is there anyone else that would like to speak tonight? We will move on to our Administrative Reports. Mayor, Mr. Gillock?

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you. As a result of Mr. Gluvna taking the position of Street Superintendent, we now have an opening on the Board of Building and Zoning Appeals. I would like to nominate Mr. Mario Cipriano to fill the unexpired term of Mr. Gluvna. Mario has been a resident of North Ridgeville for 14 years and is currently managing partner of T & M Technology Solutions. He has participated in the North Ridgeville baseball league for seven years and has been involved with his church, as well as, several year's participation with the Make-A-Wish Foundation.

moved by Mayor Gillock, seconded by Butkowski to approve the appointment of Mr. Cipriano to the Board of Zoning and Building Appeals

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.

Mayor Gillock: Thank you. We will let Mr. Cipriano know that he has been approved as he is very excited about getting involved.

This coming Saturday is the fourth Lorain County Computer and Electronics recycling day. It will be held from 9:00 A.M. to 3:00 P.M. at the Elyria Community Church of the Nazarene located at 1107 Clemens Avenue in Elyria. That is this coming Saturday. They will accept broken, outdated, or unwanted computers, office equipment, cellular phones and so forth, video monitors, keyboards, speakers, hard drives and they will also take microwave ovens. All of this equipment is taken apart, reused or recycled. The hard drives are obviously destroyed. They have guaranteed that 100 percent of this does not go into the landfill; that it is all recycled. It is a good, green, effort to get rid of a lot of this electronic stuff without putting it in the landfill and doing it in a safe way. Again, that is this Saturday at 1107 Clemens Avenue at the Elyria Church of the Nazarene from 9 to 3.

Finally, temporary ordinances 126 through 135 are all related to our bond issue. We anticipate getting our new rating from Moody's by this Wednesday. Our current rating of A-1 is the highest the City has ever had. However, we believe our current finances justify, and we asked for, a rating enhancement. We will see what we get with the current market. It was a rather interesting trip to be in New York on Wall Street last week. There was a lot of nervous people. I would ask that 126 through 135 be passed this evening with the emergency clause in anticipation of the bonds being issued allowing us to replace these outstanding notes with permanent financing. When we get to those, which are listed under new business, I would like to make a motion that we suspend the By-Laws for 126 through 135 to be moved all at once from New Business to First Readings.

That concludes my report. Thank you.

President Butkowski: Thank you. Are there any questions of the Mayor? We'll move on to the Safety-Service Director Denny Johnson.

B. Safety-Service Director:

Safety-Service Director Johnson: Thank you, Madam President. I have one topic today. It appears that we are back in that time of year, when the boy deer and the girl deer take a special interest in each other. It is also, the time when they are in the roads quite often. This is when we get most of the car and deer accidents. I want to alert the public that this is the time to pay special attention to deer in the area. We don't want them hit and we don't want you hit. Thank

you, that concludes my report.

President Butkowski: Thank you. Does anyone have any questions for the Safety-Service Director? We'll move on to Mr. Griffith, the Engineer.

C. Engineer:

Engineer Griffith: Thank you, Madam President. First, I would like to thank the Mayor for giving my report tonight regarding recycling. That leaves me with very little to say. I would like to say that many of the old computers are refurbished and then given out to non profit organizations, which help them run their organizations and saves them a lot of money by reusing the older computers. That is all I have to add.

President Butkowski: Thank you. Does anyone have any questions for the Engineer? We'll move on to the Auditor, Mr. Costin.

D. Auditor:

Auditor Costin: Thank you, Madam Chairman. There are no reports scheduled for tonight. However, I do have a few comments. The Mayor did refer to our visit to Moody's Investment Services this past week and we were well received by Moody's. We feel very positive about the meeting. We did request a rating upgrade. I think the only negative, at this time, is the current financial turmoil that exists in the market. On the other hand, the very same financial turmoil, may result in a very favorable interest rate for the City. We'll know a little bit more information later this week and of course we'll communicate that information to Council during the next meeting. I do concur and would request that T 126 through T 135, which are the bonds ordinances, be passed with the emergency and I will be glad to answer any questions on any of the detail of the ordinances upon their First Reading. That concludes my report and comments.

President Butkowski: Thank you. Does anyone have any questions for the Auditor? Moving on to other reports.

E. Other Reports:

President Butkowski: Please note the Building Department Report for August 2008.

COUNCIL COMMITTEE REPORTS:

Clerk of Council Blakely:

- 1) UTILITIES COMMITTEE REPORT #5728 Members of Council: We have considered the matter of T 112-2008, an ordinance waiving the sewer interceptor fee for Hampton Place Development and recommend revising said ordinance by defining the area of Hampton Place Development as the original R-1 Hampton Place Subdivision as recommended by Planning

Commission on June 12, 2008 and adopted by Council through Ordinance No. 4459-2008 and recommend that this request be approved and legislation be drawn revising T 112-2008.

Signed: Chairperson Olesen and Member Buescher.

 moved by Olesen, seconded by Buescher to accept

President Butkowski: Is there any discussion?

Council Member Olesen: Madam Chairman, just to clarify this for everyone. What we are talking about here is the original Hampton Place Development that was approved as an R-1 Development. That is what was approved for exemption of the tap in fee because of the work they did for the sewer and we also ridded ourselves of a lift station during that period. That is all it is. The whole PCD is now called Hampton Place, but we are not talking about that. We are only referring to the original Hampton Place R-1 Subdivision area.

Council Member Buescher: Madam President, I would also like to mention that in our ordinances, it is specifically stated that once a development is approved, another development can not be requested using the same name. We'll have to look into that. Thank you.

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.

2) FINANCE COMMITTEE REPORT #5729 Members of Council: We have considered the matter of providing video, audio recording and production footage to DVD for Planning Commission Meetings up to a maximum of \$300 per month for the next six months and that said meeting be broadcast on the Government Access Channel 12 and recommend that this request be approved.

Signer: Chairperson Boose and Members Buescher and Olesen.

 moved by Boose, seconded by Buescher to accept

President Butkowski: Is there any discussion?

Council Member Boose: Yes, this topic was brought up under discussion by the formal request of Councilman Ray McLaughlin and we have basically requested that the Planning Commission meetings be taped and played on our Government Access Channel; similarly to how the City Council Meetings are taped and at the same rate of compensation. In addition, it also allows us the opportunity to have the meetings replayed, if need be. We are going to try it for six months. The six month deadline will actually take us into the appropriation process of 2009. At that time, Council will then have the opportunity to review what the previous six months held, to see if we, can proceed, do something better, different; or what have you.

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, zero.

3) BUILDINGS & LANDS COMMITTEE REPORT #5730 Members of Council: We have considered the matter of T 110-2008, repealing Chapter 868, Adult Cabarets, and replacing with

legislation governing sexually oriented businesses and recommend that this request be approved and proper legislation be drawn authorizing the Law Director to make amendments as discussed in committee.

Signer: Chairperson Buescher and Members McLaughlin III and Olesen.
moved by Buescher, seconded by Olesen to accept

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

Yes, 6 No, 0

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

CORRESPONDENCE:

Clerk of Council Blakely:

- 1) Received a letter from Lorain Public Library System Director Joanne N. Eldridge submitting their third annual report of expenditures from the 1.91 mill operating levy for the North Ridgeville Branch Library.

- 2) Received a memo from City Engineer Larry Griffith notifying Council that all work and/or repair in the Waterbury Subdivision Phases No. 4 and 5 have been satisfactorily completed by the developer and recommending that the listed streets receive final acceptance by Council.

OLD BUSINESS:

President Butkowski: There is no old business, so, we will move on to new business.

NEW BUSINESS:

President Butkowski:

Request for new D1, D2, D3 and D3A liquor permit from Jorge Serrat, 33137 - 45 Center Ridge Road

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

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

Yes, 6 No, 0

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

Request from the Parks & Recreation Commission for Council approval to expend \$54,000 from

the Parks & Recreation Improvement Fund for the purchase of property adjacent to the Shady Drive Complex

 moved by Buescher, seconded by McLaughlin 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, zero.

Council Member Boose: Madam President, I would like to defer to the Law Director to ask if this would be the appropriate time to ask that T 126, T 127, T 128, T 129, T 130, T 131, T 132, T 133, T 134 and T 135 be grouped together and allow the By-Laws to be suspended to allow these to have their first reading this evening.

Law Director Crites: I believe so.

Council Member Boose: If someone would second that, that would be the motion.

 moved by Boose, seconded by Olesen to group the ordinances from T 126-2008 through T 135-2008 together to suspend the By-Laws to give them their first reading.

President Butkowski: Is there any discussion?

Mayor Gillock: Madam President, just for clarification, these are the bond ordinances that I mentioned earlier. What these are, is as we do projects and move along, we issue Bond Anticipation Notes to pay for those projects in the short term. Once we amass enough of them, we then put them all together and sell them in a long term bond, which gives us a better interest rate and more time to pay it. These are not new projects that we are spending money on. These are projects that have already been financed and done, which may even go back over a couple of years and the Auditor has a really good handle on what each one of them are. I don't want anyone to get a misconception that we are suddenly spending a whole bunch of new money and we are not. Thank you.

President Butkowski: Thank you and these will all be read under the first reading. There is no reason to read them twice. Is there any other discussion? Please call the roll.

 Yes, 6 No, 0

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

Auditor Costin: Madam Chairman, as long as we are on that issue, I would like Council to consider doing the same for T 143, which is a resolution accepting the rates determined by the Budget Commission.

President Butkowski: We're going to get to that. We are going to go through each of these individually and we'll get to it.

Auditor Costin: That is fine. Thank you. We'll start with T 136.

Clerk of Council Blakely:

T 136-2008 AN ORDINANCE AMENDING ORDINANCE NO. 4309-2006 RELATING TO

THE OPERATION OF A SNOWMOBILE, OFF-HIGHWAY MOTORCYCLE, ALL PURPOSE VEHICLE OR SIMILAR TYPE VEHICLE AS DEFINED IN CHAPTER 476.

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

T 137-2008 AN ORDINANCE AUTHORIZING PAYMENT OF A SEWER TAP-IN FEE OVER A FIVE YEAR PERIOD ON AN ANNUAL BASIS FOR A GOVERNMENT ENTITY THE POLITICAL SUBDIVISION OF THE CITY OF AVON.

President Butkowski: I WILL REFER THIS TO UTILITIES COMMITTEE.

T 138-2008 AN ORDINANCE AMENDING NRCO SECTION 1046.10, SERVICE CONNECTIONS, AND ADDING WATER MAIN LOCATION TO THAT SECTION

President Butkowski: I WILL REFER THIS TO UTILITIES COMMITTEE.

T 139-2008 AN ORDINANCE AMENDING NRCO SECTION 242.07 MANDATORY RETIREMENT AGE OF SAFETY FORCE MEMBERS.

 moved by Buescher, seconded by Boose to suspend the By-Laws to give T 139 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 140-2008 AN ORDINANCE ACCEPTING VICTORY LANE AND DEDICATING IT FOR PUBLIC PURPOSES.

Mayor Gillock: Madam President, I would ask that T 140 and T 141, when it comes up, be referred to Streets, Sidewalks and Bridges Committee.

President Butkowski: I WILL REFER THIS TO STREETS, SIDEWALKS AND BRIDGES COMMITTEE.

T 141-2008 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 CONSTRUCTION OF IMPROVEMENTS TO VICTORY LANE, INCLUDING SANITARY SEWERS, STORM SEWERS, WATER MAIN, ROADWAY PAVEMENT, AND WATER QUALITY BASINS, TOGETHER WITH NECESSARY APPURTENANCES AND WORK-RELATED INCIDENTALS THERETO, NOT TO EXCEED \$1,500,000.00.

President Butkowski: I WILL REFER THIS TO STREETS, SIDEWALKS AND BRIDGES

COMMITTEE.

T 142-2008 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO LAFARGE NORTH AMERICA INC. FOR THE PURCHASE OF STONE IN THE AMOUNT OF \$15,152.09.

 moved by Butkowski, seconded by Buescher to suspend the By-Laws to give T 142 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 143-2008 RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

 moved by Boose, seconded by Buescher to suspend the By-Laws to give T 143 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.

RECESS:

 moved by Boose, seconded by Buescher to dispense with recess.

President Butkowski: Please call the roll.

 Yes, 6 No, 0

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

President Butkowski: Okay, we will move on to First Readings tonight. The ordinances that include the sale of bonds, I will only take a voice vote to pass these ordinances. All the rest of them will have a roll call.

FIRST READINGS:

Clerk of Council Blakely:

T 126-2008 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF
4586-2008 BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF
 \$3,390,000 TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING THE
 CITY'S SANITARY SEWER SYSTEM BY CONSTRUCTING AND

RECONSTRUCTING SANITARY SEWERS, A FORCE MAIN, A PUMP STATION AND MANHOLES, TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO.

First Reading

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

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

Yes, 6 No, 0

President Butkowski: Motion passes.

moved by Boose, seconded by Olesen to adopt

moved by Boose, seconded by Olesen to add the emergency, so that we can have the legislation in place in anticipation to sell the bonds, which is expected to take place prior to our next meeting

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

Yes, 6 No, 0

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

Yes, 6 No, 0

President Butkowski: Motion passed and becomes ordinance number?

Clerk of Council Blakely: 4586-2008.

Permanent Ordinance No. 4586-2008

T 127-2008 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF
4587-2008 BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF
\$940,000 TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING DYKE
AVENUE BETWEEN CERTAIN TERMINI BY GRADING, DRAINING,
CONSTRUCTING CURBS, CATCH BASINS, SIDEWALKS AND STORM
SEWERS, RECONSTRUCTING THE PAVEMENT BASE AND PAVING, IN
EACH CASE TOGETHER WITH THE NECESSARY APPURTENANCES
AND WORK INCIDENTAL THERETO.

First Reading

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

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

Yes, 6 No, 0

President Butkowski: Motion passed.

moved by Boose, seconded by Olesen to adopt
moved by Boose, seconded by Olesen to add the emergency, so that we can have
the legislation in place in anticipation in selling the bonds, which is expected to
occur prior to our next meeting

President Butkowski: All those in favor say yes. All those opposed say no. Any abstentions?
Yes, 6 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? All those in favor say yes. All those
opposed say no. Any abstentions?

Yes, 6 No, 0

President Butkowski: Motion passed and becomes ordinance number?

Clerk of Council Blakely: 4587-2008.

Permanent Ordinance No. 4587-2008

T 128-2008 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF
4588-2008 BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF
\$1,230,000 TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING THE
CITY'S STREET SYSTEM BY IMPROVING CERTAIN DESIGNATED
STREETS BETWEEN CERTAIN TERMINI BY GRADING, DRAINING,
WIDENING, ADDING A TURN LANE, CONSTRUCTING CURBS, CATCH
BASINS AND STORM SEWERS, CONSTRUCTING AND
RECONSTRUCTING THE PAVEMENT BASE, PREPARING THE SURFACE,
PAVING, SURFACING AND RESURFACING AND INSTALLING TRAFFIC
SIGNS, SIGNALS AND STREET LIGHTING, WHERE NECESSARY, IN
EACH CASE TOGETHER WITH THE NECESSARY APPURTENANCES
AND WORK INCIDENTAL THERETO.

First Reading

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

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

Yes, 6 No, 0

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

moved by Boose, seconded by Buescher to adopt

moved by Boose, seconded by Buescher to add the emergency to have the
legislation in place in anticipation of selling the bonds, which is expected to occur
prior to our next meeting

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

Yes, 6 No, 0

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

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

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes and becomes ordinance number 4588-2008.

Permanent Ordinance No. 4588-2008

T 129-2008 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF
4589-2008 BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF
\$1,230,000 TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING THE
CITY'S WATERWORKS SYSTEM BY REPLACING CERTAIN EXISTING
WATER MAINS, WATER SERVICE CONNECTIONS AND FIRE
HYDRANTS ON DEBBIE DRIVE, DORCHESTER AVENUE AND
HIGHLAND DRIVE AND BY CONSTRUCTING WATER MAINS AND
WATER SERVICE CONNECTIONS AND INSTALLING FIRE HYDRANTS
BETWEEN CERTAIN TERMINI ON HARRIS DRIVE, BENDER ROAD,
TAYLOR PARKWAY AND FLORALINE AVENUE, AND REPLACING
CERTAIN EXISTING WATER MAINS, WATER SERVICE CONNECTIONS,
FIRE HYDRANTS AND VALVES ON DEBORAH DRIVE, PAULA
BOULEVARD, CHARLES ROAD AND LESLIE DRIVE, IN EACH CASE
TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK
INCIDENTAL THERETO.

First Reading

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

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

Yes, 6 No, 0

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

moved by Boose, seconded by Buescher to adopt

moved by Boose, seconded by Buescher to add the emergency to have the legislation in place in anticipation of selling the bonds, which is expected to occur prior to our next meeting

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

Yes, 6 No, 0

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

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six, zero and becomes ordinance number 4589-2008.

Permanent Ordinance No. 4589-2008

T 130-2008 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF
4590-2008 BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF
\$715,000 TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING LEAR
NAGLE ROAD AND CENTER RIDGE ROAD BETWEEN CERTAIN
TERMINI BY REALIGNING LEAR NAGLE ROAD AT THEIR
INTERSECTION, GRADING, DRAINING, WIDENING, CURBING, PAVING,
CONSTRUCTING AND RECONSTRUCTING STORM SEWERS,
WATERLINES AND SIDEWALKS AND INSTALLING AND IMPROVING
TRAFFIC SIGNS, SIGNALS AND SIGNALIZATION, WHERE NECESSARY,
IN EACH CASE TOGETHER WITH THE NECESSARY APPURTENANCES
AND WORK INCIDENTAL THERETO.

First Reading

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

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

Yes, 6 No, 0

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

moved by Boose, seconded by Buescher to adopt

moved by Boose, seconded by Buescher to add the emergency to have the legislation in place in anticipation of selling the bonds, which is expected to occur prior to our next meeting

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

Yes, 6 No, 0

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

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

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six, zero and becomes ordinance number 4590-2008.

Permanent Ordinance No. 4590-2008

T 131-2008 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF
4591-2008 BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF

\$3,520,000 TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING THE CITY'S WATERWORKS SYSTEM BY ACQUIRING AND INSTALLING WATER METERS AND RELATED METER READING EQUIPMENT, WATER MAINS AND FIRE HYDRANTS, IN EACH CASE TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO.

First Reading

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

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

Yes, 6 No, 0

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

moved by Boose, seconded by Buescher to adopt

moved by Boose, seconded by Buescher to add the emergency to have the legislation in place in anticipation of selling the bonds, which is expected to occur prior to our next meeting

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

Yes, 6 No, 0

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

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

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six, zero and becomes ordinance number 4591-2008.

Permanent Ordinance No. 4591-2008

T 132-2008 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF
4592-2008 BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF
\$450,000 TO PROVIDE FUNDS TO PAY COSTS OF ACQUIRING MOTOR
VEHICLES AND RELATED EQUIPMENT TO BE USED BY THE CITY'S
SERVICE DEPARTMENT IN THE PROVISION OF STREET SERVICES,
MAINTENANCE, REPAIRS AND IMPROVEMENTS.

First Reading

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

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

Yes, 6 No, 0

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

moved by Boose, seconded by Buescher to adopt
moved by Boose, seconded by Buescher to add the emergency to have the
legislation in place in anticipation of selling the bonds, which is expected to occur
prior to our next meeting

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

Yes, 6 No, 0

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

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

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six, zero and becomes ordinance number
4592-2008.

Permanent Ordinance No. 4592-2008

T 133-2008 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF
4593-2008 BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF
\$305,000 TO PROVIDE FUNDS TO PAY COSTS OF ACQUIRING AN
EXISTING BUILDING AND ITS SITE TO HOUSE CITY OFFICES AND
FUNCTIONS.

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

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

Yes, 6 No, 0

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

moved by Boose, seconded by Buescher to adopt
moved by Boose, seconded by Buescher to add the emergency to have the
legislation in place in anticipation of selling the bonds, which is expected to occur
prior to our next meeting

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

Yes, 6 No, 0

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

President Butkowski: A motion was made by Boose and seconded by Buescher to adopt with the

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

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six, zero and becomes ordinance number 4593-2008.

Permanent Ordinance No. 4593-2008

T 134-2008 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF
4594-2008 BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF
\$145,000 TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING THE
CITY'S STORM WATER DRAINAGE SYSTEM BY CONSTRUCTING
STORM SEWERS AND STORM SEWER HEADWALLS, INSTALLING
CATCH BASINS AND IMPROVING DITCHES AND SWALES IN CERTAIN
DESIGNATED CITY STREETS AND EASEMENTS, TOGETHER WITH THE
NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO.

First Reading

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

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

Yes, 6 No, 0

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

moved by Boose, seconded by Buescher to adopt

moved by Boose, seconded by Buescher to add the emergency to have the legislation in place in anticipation of selling the bonds, which is expected to occur prior to our next meeting

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

Yes, 6 No, 0

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

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

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six, zero and becomes ordinance number 4594-2008.

Permanent Ordinance No. 4594-2008

T 135-2008 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF
4595-2008 BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF
\$140,000 TO PROVIDE FUNDS TO PAY COSTS OF ACQUIRING REAL

**ESTATE TO EXPAND AN EXISTING SITE FOR CITY OFFICES AND
FUNCTIONS.**

First Reading

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

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

Yes, 6 No, 0

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

moved by Boose, seconded by Buescher to adopt

moved by Boose, seconded by Buescher to add the emergency to have the legislation in place in anticipation of selling the bonds, which is expected to occur prior to our next meeting

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

Yes, 6 No, 0

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

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

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six, zero and becomes ordinance number 4595-2008.

Permanent Ordinance No. 4595-2008

**T 139-2008 AN ORDINANCE AMENDING NRCO SECTION 242.07 MANDATORY
4596-2008 RETIREMENT AGE OF SAFETY FORCE MEMBERS.**

First Reading

moved by Olesen, seconded by Buescher 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 Olesen, seconded by Corcoran to adopt

moved by Buescher, seconded by Corcoran to add the emergency due to time restraints on this particular piece of legislation

Council Member Buescher: There is someone who is in the department who is retiring and will be retiring in November and so, we would like to have this taken care of tonight and then at our next meeting, we will have legislation directed to the specific Officer, who we wish to extend the age limit.

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

Yes, 6 No, 0

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

President Butkowski: A motion was made by Olesen and seconded by Corcoran to adopt with the emergency. 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 4596-2008.

Permanent Ordinance No. 4596-2008

T 142-2008 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO
1144-2008 LAFARGE NORTH AMERICA INC. FOR THE PURCHASE OF STONE IN
THE AMOUNT OF \$15,152.09.

First Reading

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

President Butkowski: Is there any discussion? The discussion here is that this bill has to be paid within 30 days. Did you want to say something Mr. Costin?

Auditor Costin: I could briefly explain that this was an issue that occurred last year and there was a dispute on some pricing. It fell through the cracks, actually. We cancelled the purchase order and there actually was a purchase order for it. At the end of the year, when we check with our Departments on outstanding purchase orders, this one was overlooked and the purchase order was cancelled. It is being re-appropriated this year, so we can now pay it. I am sure the vendor will be very happy if we do pass this tonight.

President Butkowski: Thank you. Clerk, please call the roll.

Yes, 6 No, 0

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

moved by Buescher, seconded by Olesen to adopt

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

Auditor Costin: All the law requires is that it be passed within 30 days. The emergency is not necessary. You could choose to do that if you would like us to expedite payment.

President Butkowski: Clerk, please call the roll on the adoption.

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six, zero and becomes resolution number 1144-2008.

Permanent Resolution No. 1144-2008

T 143-2008 RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS
1145-2008 DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE
NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY
AUDITOR.

First Reading

moved by Boose, seconded by Buescher 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 Buescher to adopt

moved by Boose, seconded by Buescher to add the emergency in order to meet the statutory deadline

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

Yes, 6 No, 0

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

Council Member Boose: Madam President, just for clarification, the Auditor as it is stated in the title, has determined that the percentages, the rates and the amounts, are correct. Perhaps he would like to talk about that more.

Auditor Costin: Yes, the Auditor stated in the title is actually the County Auditor. However, the City Auditor has verified the rates. This piece of legislation actually was received by the City a week ago in our annual meeting. The County has requested to obtain from the State of Ohio, already, an extension for all the municipalities and other taxing authorities. The extension expires November 1. Mr. Boose is correct, we should pass it with the emergency so that the rates are in place to meet the statutory deadline. That is correct.

President Butkowski: A motion was made by Boose and seconded by Buescher to adopt with the emergency. Please call the roll on the adoption.

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six, zero and becomes resolution number 1145-2008.

Permanent Resolution No. 1145-2008

President Butkowski: Now, we'll move on to second readings and we only have one and that is T 124.

SECOND READINGS

Clerk of Council Blakely:

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.

Second Reading

moved by Boose, seconded by Buescher to dispense with the third reading

President Butkowski: Is there any discussion?

Auditor Costin: Madam Chairman, I apologize. We had a discussion about this, this afternoon and I have to apologize to Mr. Boose as we really can't pass this until the next meeting because we haven't received the bond commitment that provides us with the additional dollars. That was my error.

Council Member Boose: Can we still act on the motion to dispense with the third reading, but not adopt it.

Auditor Costin: We can not adopt it until the next meeting.

President Butkowski: It will get the third reading during the next meeting anyway. Do you want to withdraw your motion?

Council Member Buescher: I will withdraw my second.

Council Member Boose: I will withdraw my motion.

President Butkowski: Thank you. That is all the second readings we have. We will move on to the third readings. We have one.

THIRD READINGS

Clerk of Council Blakely:

T 87-2008 AN ORDINANCE DESIGNATING RESPONSIBILITY OF OWNERS FOR
4597-2008 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.

Third Reading

moved by Olesen, seconded by Corcoran to adopt

President Butkowski: Is there any discussion?

Council Member McLaughlin: My question is, who is policing the policing on this. Is it the

intention to call the Police Department about this issue? I hope we are not into the thing of ratting out our neighbors.

Council Member Corcoran: We discussed that at our meeting and it was discussed with the Law Director. We did say that it would be the responsibility of the police.

Law Director Crites: If I may, Madam Chairman, it is similar to a littering ordinance. It is going to be selective enforcement, but the point is, it is going to be on the books.

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

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six, zero and becomes ordinance number 4597-2008.

Permanent Ordinance No. 4597-2008

Council Member Boose: Point of order, Madam President. Just for the record, my copy of the ordinance reads 2004 after the ordinance number. That should be 2008.

President Butkowski: That is correct. It will be changed for the permanent record to read 2008.

COMMITTEE MEETING ANNOUNCEMENTS:

President Butkowski:

Next Regular Council Meeting Monday, October 20, 2008 at 7:30 P.M. in Council Chambers

ADJOURNMENT:

moved by Corcoran to adjourn

Meeting adjourned at 8:34 P.M.

Approval of Minutes:

MOTION _____ Olesen _____ 2ND _____ Corcoran _____ DATE _____ October 20, 2008 _____

YES _____ 6 _____ NO _____ 1 _____ ABSTAIN _____ 1 - Jaenke _____