

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

CALL TO ORDER: 7:30 P.M.

President Bernadine Butkowski: I call to order the North Ridgeville City Council Meeting of Monday, December 15, 2008 to order. 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, Richard Jaenke, Bob Olesen, Kevin Corcoran, Ray McLaughlin and President Bernadine Butkowski.

Also, present were Mayor David Gillock, Safety-Service Director Denny Johnson, Engineer Larry Griffith, Law Director Andrew Crites, Auditor Chris Costin and Clerk of Council Warren Blakely.

MINUTES - Corrections (if any) and Approval:

President Butkowski:

Council Minutes of public hearing held December 1, 2008

moved by Jaenke, seconded by McLaughlin to approve

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

Yes, 7 No, 0

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

Council Minutes of regular meeting held December 1, 2008

moved by McLaughlin, seconded by Boose to approve

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

Yes, 7 No, 0

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

President Butkowski: Please note the:

Planning Commission Minutes of regular meeting December 9, 2008

President Butkowski: We'll move on to the Lobby.

LOBBY:

President Butkowski: I'm asking anyone who would like to address Council tonight to fill out a form 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 before starting to speak. You will have three minutes to address your Council. Remember, there is no interaction. Is there anyone who would like to speak tonight? No one, I guess wants to speak tonight, so we'll move on to the Administrator's reports. Mr. Gillock?

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you and good evening to everyone. First, as we approach the end of the year and I have to apologize to Council, but we have a number of ordinances that we need to introduce under the suspension of By-Laws to either get them into this year's budget or to meet a deadline. The first is a resolution to approve the expenditure of funds to Underground Utilities for payment for construction of sewers on Dyke Road in the amount of 495,936 dollars and 36 cents. That money has already been appropriated. It is just part of the sewer project and perhaps the Auditor can speak more to it. I believe it is the first payment for work that is underway and it's just getting them paid. Is that correct, Mr. Auditor?

Auditor Chris Costin: I believe, Mayor, what happened was we were waiting for the bond monies and they wanted to start the project. They gave the City release, started the project before we really had the monies appropriated so, this is simply a correcting piece of legislation.

Mayor Gillock: I would ask the Clerk to assign the resolution a T number.

 moved by Mayor Gillock, seconded by Boose to suspend the By-Laws to add the resolution to the agenda under first readings.

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

 Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero and becomes T number 170-2008.

Mayor Gillock: Thank you and this needs to be passed this evening with the emergency to allow the Auditor to pay this in a timely manner.

Next, is an ordinance amending ordinance 4519-2008 for design services for the road to the new Ohio Sports Zone. We need an additional 49,000 dollars to complete the engineering; half of which will be paid by the adjoining property owner that is to be assessed. This will enable us to be ready to go to bid on the road by January 15. Again, I would ask for a T number.

moved by Mayor Gillock, seconded by Buescher to suspend the By-Laws to add the ordinance to the agenda under first readings

President Butkowski: Is there any discussion?

Council Member Corcoran: Madam President, that is a significant increase.

Mayor Gillock: It is a redesign of a portion of the road. It does about three things. One, it moves some retention ponds. Secondly, it relocates one of the water lines from the edge of the project. The biggest part is the storm sewer layout. Lastly, the current design has the road elevated about four feet and this will redesign it so the road doesn't have to be elevated. All of these changes will result in savings approximating 200,000 dollars. We are going to spend 49 to save 200.

Council Member Corcoran: Thank you.

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

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero and becomes T number 171-2008.

Mayor Gillock: Thank you. We also would need to pass this one with the emergency, so that we can go to bid for the road and to enable us to open the facility this coming spring. It will open this spring, in April. At this point, we may not have the road entirely finished. That is part of this design. What they would do is do the first half of the road, lay the base and then they could drive on that base to access the parking lot while they continue to work on the road. This gives us another way of getting the facility open.

Finally, from my position, as there are two more to go, you have an ordinance to amend our fence ordinance to allow commercial installation of nonlethal electric fences. We would like to add this to the agenda under first readings and adopt this evening, but we do not need the emergency. I would ask the Clerk to assign a T number.

moved by Mayor Gillock, seconded by Olesen to suspend the By-Laws to add the ordinance to the agenda under first readings

President Butkowski: It already has a number. Is there any discussion?

Council Member Boose: Madam President.

President Butkowski: Yes, Mr. Boose?

Council Member Boose: Yes, I have an ordinance that was handed to me tonight and ordinance T 151-2008 Revised that was also in my box. Are they the same?

Mayor Gillock: T 151-2008 Revised is the ordinance that came back out of committee and the Law Director incorporated the changes. This is the revised ordinance. It is just now coming back and we need to get it on the agenda.

Council Member Boose: The one in my box and the one I received here are the same?

Mayor Gillock: T 151-2008 Revised is the one.

Law Director Crites: Madam President, if I may. Dennis, just to make sure the ordinance as amended by myself this week, which is the one proceeding to be passed tonight, is the one you

have. On its first page, it includes a Subparagraph A, that has some new standards imposed in there. I think, that if it reads that way, then you have the right ordinance before you.

Council Member Boose: Thank you.

President Butkowski: A motion was made by Gillock and seconded by Olesen. Is there any other discussion?

Mayor Gillock: Madam President. I would just add that the reason we would like to get this passed this evening, is that we have a local business that sells electric fences and we have several local businesses that would like to install these fences. They are having problems with theft of outside material. This is a solution to that. These fences are similar to the invisible fences for animals. They are not lethal in any way, but properly installed, they will deter someone from getting in. Because we have been working on this for sometime and they would really like to get these up to deter any further theft, we would like to get this adopted this evening.

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

Yes, 7 No, 0

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

Mayor Gillock: And finally, one interesting anecdote, when the United States Constitution was ratified in 1789, many people were concerned that it did not protect certain freedoms. They thought that the constitution should be changed or amended to protect these freedoms. On December 15, 1791, 217 years ago today, ten amendments were added to the Constitution. These amendments guaranteed certain freedoms and rights. They are known today, as the Bill of Rights.

I would like to wish everyone a Merry Christmas and a Happy Holiday Season.

President Butkowski: Thank you, very much Mr. Gillock. We'll move on to the Safety-Service Director, Mr. Johnson.

B. Safety-Service Director:

Safety-Service Director Johnson: Thank you, Madam President. While we haven't seen a large snow fall yet this season, we all know it is coming. I would like to remind all residents of the responsibility to keep sidewalks clear of snow and ice. We will be inspecting sidewalks around our schools and high pedestrian traffic areas as time allows to ensure they are kept safe and clear. Also, on the topic of snow, we have a few plowing services that plow snow across the roadway into the neighbor's tree lawn and sidewalk area. This practice is not legal and can result in a citation to both the plow service and the homeowner. If you employ a plow service, please ensure they are told not to push the snow across the roadway.

Finally, we would like to get the job description corrected for Assistant Deputy Auditor before anyone is hired into this position. An amending ordinance for 4575-2008 has been left on your desk. I request that By-Laws be suspended so that it can be passed tonight.

 moved by Butkowski, seconded by Olesen to suspend the By-Laws to give this its first reading this evening

President Butkowski: Is there any discussion?

Council Member Boose: Madam President.

President Butkowski: Yes, Mr. Boose?

Council Member Boose: Could the Safety-Service Director explain what the changes are?

President Butkowski: Mr. Johnson?

Safety-Service Director Johnson: I can't put them side by side here as I wasn't prepared for that, but basically it puts that person as the City's financial representative in bargaining. They will sit next to me at the bargaining table and assist in giving financial information for grievances and contract negotiations.

Auditor Chris Costin: Madam President, if I might add. There were some discussions with the bargaining unit, which some questions arose and it was determined and advantageous for both our purposes to revisit the descriptions and be more specific as to the job functions than what was in the prior description. The prior description actually mirrored certain responsibilities of the Deputy Auditor. When we discussed this with them, it was requested that we be a little bit more precise on the management duties and so, we went back, revisited it and polished it a bit so that we have a clearer description. That is really the reason for the changes.

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

 Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero and becomes T number 172-2008

President Butkowski: Thank you. We'll move on to the Engineer, Mr. Griffith.

C. Engineer:

Engineer Griffith: Thank you, Madam President. What did you do with all those plastic bags that you have received while out shopping? I'm sorry to say that many of those end up in our ditches and streams. Those bags can be recycled. An estimated 812 million pounds of plastic bags were recovered in 2006. For example, TREX, a northern Virginia company that uses recycled plastic bags to manufacturer building materials, recycled over 2.5 billion pounds of plastic bags over the last ten years into lumber substitutes for outdoor decks. Old bags could also be recycled to make new bags. Because of the handling problems, our waste hauler as well as most municipal waste haulers, do not recycle plastic bags. However, many local businesses have bag collection programs. Two, that I know of, are Giant Eagle and Marc's. Giant Eagle usually has their collection box located outside near the entry doors. Marc's usually has theirs located inside near the entry door. Even if you do not deal with these local businesses, consider collecting and

placing your used plastic bags in their recycling boxes. Thank you. That concludes my report this evening.

President Butkowski: Thank you, Mr. Griffith. We'll move on to the Auditor, Mr. Costin.

D. Auditor:

Auditor Costin: Thank you, Madam President. The first order of business tonight is the November Written report that Council should have already received and we request your passage.

Auditor's Written Financial Report for November 2008

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

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

 Yes, 7 No, 0

Clerk of Council Blakely: Motion has been approved by a vote of seven to zero.

Auditor Costin: Thank you. The second item of business deals with our final amended appropriation ordinance for 2008. I mentioned to you at the last Council meeting that there will possibly be an amended appropriation ordinance coming and that was handed out before you. I would request that be passed tonight with the emergency. When it has its first reading, I would be pleased to answer any questions on the contents of the amended appropriation ordinance.

Council Member Boose: Madam President.

President Butkowski: Yes, Mr. Boose?

Council Member Boose: I would ask that the Council Clerk assign a temporary number to this ordinance.

 moved by Boose, seconded by Buescher to waive the By-Laws to allow a first reading this evening

President Butkowski: We'll assign a temporary number after it passes. Is there any discussion? Clerk, please call the roll.

 Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero and becomes T number 173-2008.

President Butkowski: Thank you. Mr. Costin, do you have anything else to report on?

Auditor Costin: That completes my report, Madam President.

E. Other Reports:

President Butkowski: Please note:

Police Department Quarterly Report from July 2008 to September 2008;

Mayor's Court Report for November 2008;
Building Department Report for November 2008;
Water System operation Report for November 2008; and
Fire Department Report for November 2008.

President Butkowski: We'll move on to the Council Committee Reports. Will the Clerk please read the reports?

COUNCIL COMMITTEE REPORTS:

Clerk of Council Blakely:

1) BUILDINGS & LANDS COMMITTEE REPORT #5742: Members of Council: We have considered the matter of Ordinance No. 4546-2008, an ordinance imposing a temporary moratorium on the establishment of PCD's in the City of North Ridgeville and recommend that this moratorium be continued in effect for an additional period of ninety (90) days.

Signed: Members Olesen and McLaughlin, Chairperson Buescher.

 moved by Buescher, seconded by McLaughlin to accept report #5742

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

 Yes, 7 No, 0

Clerk of Council Blakely: The report is accepted by a vote of seven to zero.

 moved by Buescher, seconded by McLaughlin to extend the moratorium on the establishment of PCDs pursuant to the terms of ordinance number 4546-2008 for an additional 90 day period following the expiration of the current moratorium term

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

 Yes, 7 No, 0

Clerk of Council Blakely: Motion to extend the moratorium on PCDs for an additional 90 days passes by a vote of seven to zero.

President Butkowski: Thank you. That will be covered under ordinance number 4546-2008.

CORRESPONDENCE:

President Butkowski: We have no correspondence tonight. We'll move in to old business. Clerk, please read the old business.

OLD BUSINESS:

Clerk of Council Blakely:

Request from the Board of Drainage and Flood Control for Council to amend the Board's Constitution Article V: Meetings, Section 1 to read as follows:
Meetings will be held on the fourth Tuesday of the first month of each quarter at 7:00 P.M. in the Council Chambers or as designated in the minutes of the previous meeting
moved by Olesen, seconded by Corcoran to amend

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

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven 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.

moved by Olesen, seconded by Corcoran to postpone until the next meeting

President Butkowski: Is there any discussion?

Mayor Gillock: Madam President, I would request that you refer this to Building and Lands for discussion.

President Butkowski: We have a motion on the floor. I can't refer it until we have a vote.

Mayor Gillock: It is a request. It's not an amendment.

President Butkowski: I'm not going to refer it to Building and Lands. We'll go ahead with this motion. Is there any other discussion? Clerk, please call the roll.

Yes, 3 No, 4 (Buescher, Boose, McLaughlin, Butkowski)

Clerk of Council Blakely: The motion to postpone fails by a vote of three to four.

President Butkowski: Do I have a motion to adopt? This is the third reading and this has been postponed to this meeting. We are at a point that we have to approve or disapprove T 108. I need a motion to vote on.

moved by Corcoran, seconded by Olesen to adopt T 108

President Butkowski: Is there any discussion?

Yes, 1 No, 6 (Buescher, Boose, Jaenke, Corcoran, McLaughlin, Butkowski)

Clerk of Council Blakely: Motion fails by a vote of one to six.

T 148-2008 A RESOLUTION GRANTING PRELIMINARY APPROVAL FOR THE PROPOSED PLANNED COMMUNITY DEVELOPMENT SITUATED ON APPROXIMATELY 218 ACRES BETWEEN AVON BELDEN ROAD AND STONEY RIDGE ROAD AND KNOWN AS HAMPTON PLACE PCD.

moved by Buescher, seconded by Jaenke to defeat

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

Yes, 7 No, 0

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

President Butkowski: Thank you. We're moving on to new business.

NEW BUSINESS:

President Butkowski:

Request from the Parks & Recreation Commission for Council approval to expend \$15,000 from the Parks & Recreation Improvement Fund for the construction of a new concession stand, pavilion and handicapped parking fencing at the Soccer Complex

moved by McLaughlin, seconded by Corcoran to approve

President Butkowski: Is there any discussion?

Mayor Gillock: Madam President.

President Butkowski: Yes, Mr. Gillock?

Mayor Gillock: This came from the Soccer Boosters organization. They wish to make some improvements out there and they asked us to participate in half of the cost. They are putting up an additional \$15,000, plus the labor. Councilman McLaughlin might be able to clarify that.

Council Member McLaughlin: Plus the labor, yes sir.

Mayor Gillock: Plus the labor to make these improvements. So, if you have ever been out there, it will take the current pavilion that is there and it will enclose it. They will add utilities there and have a full blown concession stand. They will extend the pavilion to the north off of that, which will greatly improve the park facility there. We certainly appreciate the Soccer Booster's input on this project. Thank you.

President Butkowski: Is there any other discussion?

Council Member Boose: Madam President.

President Butkowski: Yes, Mr. Boose.

Council Member Boose: Just to echo the Mayor's comments. They have been trying to do something with this for well over ten years. I know that, because ten years ago, I was involved in it. It just goes to show you the stick-to-itiveness that these Booster organizations have. They have done, not only this, but there has been a lot of money expended by volunteers of this community, not only at the soccer complex, but also at Shady Drive, Frontier Park and any other sports complexes that we have. It is without those that we would not have the type of facilities that we have. This is a great example of shared investment from our community and the City. It is money very well spent.

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

Yes, 7 No, 0

APPLICANT: Donald R. Mould, It Is What It Is, LLC, 9449 Island Road
OWNER: It Is What It is, LLC, 9449 Island Road and Comprehensive Health Care of
 Ohio, Inc., 630 East River Road, Elyria, OH 44035
REQUEST: A preliminary approval for a commercial subdivision to be known as
 Lakeview Crossing
LOCATION: Northside of Lorain Road and east of the Ohio Turnpike Entrance in a B-4
 District
 Permanent Parcel No. 07-00-003-101-020 and 07-00-003-101-021
PC ACTION: Approved by a vote of five to zero

 moved by McLaughlin, seconded by Corcoran to approve

President Butkowski: Is there any discussion?

Council Member Olesen: Madam President. Since the parent company is another company I
serve on the Board with, I will abstain from this vote tonight.

President Butkowski: Is there any other discussion?

Council Member McLaughlin: Madam President.

President Butkowski: Yes, Mr. McLaughlin.

Council Member McLaughlin: This is, it is what it is. As of now, from Planning Commission,
they came in for the approval of the road to be constructed. Then, we will see what we get.

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

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

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

RECESS:

 moved by Boose, seconded by Corcoran to dispense with recess

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

 Yes, 7 No, 0

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

President Butkowski: We'll move on to the first readings.

FIRST READINGS:

Clerk of Council Blakely:

T 162-2008 AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF
 CERTAIN ORDINANCES AND RESOLUTIONS AS PARTS OF THE
 VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO
 APPROVE, ADOPT, ENACT AND PUBLISH NEW MATTER IN THE
 UPDATED AND REVISED CODIFIED ORDINANCES; AND TO REPEAL

ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

First Reading

T 170-2008 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO
1149-2008 UNDERGROUND UTILITIES, INC. FOR THE CONSTRUCTION OF
SANITARY AND STORM SEWER IMPROVEMENTS ON DYKE ROAD IN
THE AMOUNT OF \$495,936.36.

First Reading

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

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

Yes, 7 No, 0

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

moved by Olesen, seconded by Boose to adopt

moved by Olesen, seconded by Boose to add the emergency as this is an outstanding debt

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

Yes, 7 No, 0

Clerk of Council Blakely: The emergency passes by a vote of seven to zero.

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

Council Member Boose: Madam President.

President Butkowski: Yes, Mr. Boose.

Council Member Boose: Again, just to reiterate, these funds have already been appropriated and awaiting bond funding. I just want to make sure that we get these paid, because they are due.

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

Yes, 7 No, 0

Clerk of Council Blakely: Adoption passes by a vote of seven to zero and becomes resolution number 1149-2008.

Permanent Resolution No. 1149-2008

T 171-2008 AN ORDINANCE AMENDING ORDINANCE NO. 4519-2008
4617-2008 REGARDING FINAL DESIGN SERVICES, INCLUDING PLANS,
SPECIFICATIONS AND CONSTRUCTION PHASE SERVICES, FOR THE
SPORTS ZONE/INDUSTRIAL STREET AND OTHER APPURTENANCES,
BY INCREASING THE AMOUNT FROM \$95,000.00 TO \$144,000.00.

First Reading

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

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

Yes, 7 No, 0

Clerk of Council Blakely: Motion to dispense with the second and third readings passes by a vote of seven to zero.

 moved by Olesen, seconded by Corcoran to adopt

 moved by Olesen, seconded by Corcoran to add the emergency because this is a project that we want to begin early in the Spring, because it will be a money maker for the City

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

Yes, 7 No, 0

Clerk of Council Blakely: The emergency passes by a vote of seven to zero.

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

Council Member Boose: Madam President.

President Butkowski: Yes, Mr. Boose.

Council Member Boose: Yes, I was wondering if we had a formal agreement, yet, with the adjoining land owner that is supposedly going to pay half of these costs.

Mayor Gillock: I will defer to the Law Director to answer that if he would please.

Law Director Crites: Are you asking if the agreement has been executed?

Council Member Boose: Is there a written agreement, signed, sealed and delivered that we know we are going to get this money?

Law Director Crites: No, part of the modifications frankly, that given rise and the need for the original engineering, albeit, the fact that they are going to save the City substantial amounts of money, the change of the design was done to bring the two parties together. It is after this subsequent engineering is done, that we expect that we finally will execute the two outstanding agreements being, number one, the purchase agreement for the property and number two, the agreement for the voluntary assessment. My simple answer is that we expect to have one shortly, but no.

Council Member McLaughlin: With the change in engineering and what they are doing differently, will those have to come back to Planning Commission? Are there any major changes?

Law Director Crites: I don't believe so. The changes are not in the dedication of the road or the function. It is just in specific engineering characteristics, like the height of the road and where the drainage is going to be.

Engineer Griffith: To the average person, if they built these two side by side, maybe they could tell the difference and maybe not.

Mayor Gillock: So, the answer is no.

President Butkowski: Do we have any other questions? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Blakely: Adoption passes by a vote of seven to zero and becomes ordinance number 4617-2008.

Permanent Resolution No. 4617-2008

T 151-2008 AN ORDINANCE AMENDING NRCO SECTION 660.12 *FENCES*, ALLOWING
REVISED FOR COMMERCIAL NONLETHAL ELECTRIC FENCES

4618-2008 First Reading
moved by Corcoran, seconded by McLaughlin to dispense with the second and third readings

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

Yes, 7 No, 0

Clerk of Council Blakely: Motion to dispense with the second and third readings passes by a vote of seven to zero.

moved by Corcoran, seconded by McLaughlin to adopt

President Butkowski: Is there any discussion?

Council Member Boose: Madam President.

President Butkowski: Yes, Mr. Boose.

Council Member Boose: In section 1, item 1A, it indicates perimeter fences adjacent to residential lots. Would that also mean basic residential zoning or does it have to be a dedicated lot that has already been set up?

Law Director Crites: If I may, Madam President, being the drafter of this fine piece of legislation, it was intended to be all residentially zoned property or residentially occupied property.

Council Member Boose: So, it could be vacant property that is zoned residential and it would require this?

Law Director Crites: Yes, I believe so.

Council Member Boose: Thank you.

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

Yes, 7 No, 0

Clerk of Council Blakely: Motion to adopt passes by a vote of seven to zero and becomes ordinance number 4618-2008.

T 172-2008 AN ORDINANCE AMENDING THE JOB DESCRIPTION OF THE
4619-2008 FULL-TIME POSITION OF ASSISTANT DEPUTY AUDITOR AS
DESCRIBED IN ORDINANCE 4575-2008.

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, 7 No, 0

Clerk of Council Blakely: Motion to dispense with the second and third readings passes by a vote of seven to zero.

moved by Corcoran, seconded by Olesen to adopt

President Butkowski: Is there any discussion?

Council Member Boose: Madam President.

President Butkowski: Yes, Mr. Boose.

Council Member Boose: I know I asked this of the Safety-Service Director earlier and perhaps the Auditor has more information on it, but I know that we went through this in a Finance Committee meeting and I've always told myself that I would like to know what I am voting on and I don't know if anyone here can tell me exactly what changes were made so that I know what changes were made. I just think that is prudent that we know.

Auditor Costin: I'm sorry that I didn't bring the other one. Can I respond, Madam Chairman? Again, what we did was we delineated the management. We were more specific on the job duties of this position. The original description was generic and carried forward. This one is more explicit and talks about the job functions that are going to be incorporated and the requirements for the position. If you just finger down through those, I could tell you that there was an emphasis on managerial type duties that would be expected of the person filling the position and I think we added a couple more requirements under the paragraph of requirements. But, because I don't have the prior one, I apologize, I can't compare the two and tell you what was added. I don't believe anything was deleted. It was just, again, more detail added specifically, with an emphasis on the managerial functions.

Council Member Boose: Would that include, for example there are several in items 2, 3, 5, where it talks about collective bargaining agreements, research and those things? Anything like that would have been....

Auditor Costin: Correct. Those were assumed and it was probably my oversight. When I looked at the Deputy Auditor's position, I just assumed well, okay you're going to do the functions of the Deputy Auditor. When we discussed the situation with the Bargaining Unit, they wanted more specifications. We said, okay, that's fair. Let's put more specification in here and that was the intention.

Council Member Boose: Is it correct to say that, it would be, to find someone that has those attributes as being as specific in this job description, an issue in the future?

Auditor Costin: I don't think that you're going to find a person with every one of those attributes, but if you find the proper attributes, you can train them to the rest of the skills. The real issue, if I might take one step further is how do we differentiate between a bargaining unit position and a management position? There was too much overlap in the prior description. So, we tried to delineate that out.

Council Member Boose: Thank you.

President Butkowski: Do we have any other discussion? Clerk, please call the roll on the adoption.

Yes, 7 No, 0

Clerk of Council Blakely: Adoption passes by a vote of seven to zero and becomes ordinance number 4619-2008.

Permanent Ordinance No. 4619-2008

T 173-2008 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO.
4620-2008 4513-2008, 4521-2008, 4543-2008, 4585-2008, 4599-2008 AND 4605-2008 FOR
THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD
COMMENCING JANUARY 1, 2008 AND ENDING DECEMBER 31, 2008
AND DECLARING AN EMERGENCY

First Reading

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

President Butkowski: Is there any discussion? Mr. Costin, did you want to discuss this?

Auditor Costin: I would be more than glad to give you some of the highlights of the larger dollars. The first large one is the general fund under Miscellaneous General Government. That relates to the necessity to make an advance to the Federal Funds. What we do is, we have these large federal grants, primarily CHIP housing grants and we have to expend monies before we get the monies back. At the end of the year, we will have receivables due from the federal government from all the monies we spent and we won't have that back yet. The law says that you can't have a negative balance and so, what we do to cure that, is we advance the monies from the general fund. In order to advance the monies from the General Fund, I have to have it there. So, a little bit later on, you'll see a transfer of an additional 500,000 dollars from the Income Tax Fund, which is an 85/15 split to put money into the general fund for this advance, as well as, to build up the General Fund balance at the end of the year. We under appropriated a tad at the beginning of the year, because we need to be a bit conservative now with where we are at under the fiscal situation and so, what we are doing is we are increasing the Income Tax transfer at the end of the year to build up that general fund balance a little bit and to allow monies to make this transfer, which next year will be repaid once we collect the federal grant. I'll highlight the larger ones. The Street Levy Fund, we had some monies there that we wanted to appropriate. I think that is primarily contingency. Many of these are contingencies. If we have something that comes up that we need, such as supplies or last minute items in the month of December, we'll have money appropriated in contingency to take it out of. If we don't, we won't use it. We'll carry it over until next year. I talked about the Income Tax; Capital Projects Fund, part of that money is what we passed tonight. The increase in the project at the complex and the rest of it is some BANs interest that we charge there on our BANs debt that we pay off in December. We adjusted that in the Capital Projects Fund. The final page, Sanitary Sewer Improvement Fund, we actually had a decrease of 511,000 and that relates to that large Dyke Road project. What we did was we had an original Engineer's estimate where we issued the BANs. As time went on and we issued Bonds, you may remember that we passed a piece of legislation a short time ago increasing the expenditure by 100,000, but in reality that consisted of an increase of 500,000 in the Sewer Fund and reduction in the Street Funds. What we did is we increased one fund, but we didn't decrease

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.

Second Reading

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

Second Reading

President Butkowski: Moving on to our third reading.

THIRD READINGS:

Clerk of Council Blakely:

T 140-2008 AN ORDINANCE ACCEPTING VICTORY LANE AND DEDICATING IT
4621-2008 FOR PUBLIC PURPOSES.

Third Reading

moved by Olesen, seconded by Corcoran to adopt

President Butkowski: Is there any discussion?

Auditor Costin: Mr. Law Director, we are accepting this, but do we own it yet? Do we have to have those agreements in place?

Law Director Crites: I can see that the Engineer is chomping at the bit to address this question, so I will defer the question to him.

Engineer Griffith: I believe that we need to delay this one until we have those agreements.

Law Director Crites: Actually, I think that is prudent, but the Mayor and I discussed this previously. It is okay to create a paper street, if it just remains that and then you could later fill in the gaps with ownership and improvement, etc. That is all we are doing here. Mayor, if you want to speak to it. I think we would be okay to go either way with it. It would be okay to pass it. It would be okay to delay it.

Mayor Gillock: The reason we did it is Ohio Sports Zone needed an address in order process to their liquor license. So, by going ahead with the paper street, Victory Lane, we can give them a lot number in order to process the paper work. I think it is going to be something like 3333 Victory Lane. It wouldn't be 3333 over there.

President Butkowski: Nobody is going to go looking for that address are they?

Mayor Gillock: There is no building or anything there.

President Butkowski: Is everyone satisfied with this now? A motion was made by Olesen and seconded by Corcoran to adopt. Do we have any other discussion? Law Director, we can go ahead with this?

Law Director Crites: Yes, I believe we can.

Council Member Boose: Madam President.

President Butkowski: Yes, Mr. Boose.

Council Member Boose: Just for my clarification, approving the paper street does not necessarily mean that we are approving the expenditure because one, we don't know what that is and two, we haven't seen the plan.

Law Director Crites: Think of it more as an act of platting. It doesn't give us any financial obligations. It doesn't allocate any expenditures.

Council Member Boose: Thank you.

President Butkowski: Do we have any other discussion? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Blakely: Adoption passes by a vote of seven to zero and becomes ordinance number 4621-2008.

Permanent Ordinance No. 4621-2008

COMMITTEE MEETING ANNOUNCEMENTS:

President Butkowski: Upcoming meeting announcements:

Next Regular Council Meeting Monday, January 5, 2009 at 7:30 P.M. in Council Chambers.

Public Hearings to be held Tuesday, January 5, 2009 beginning at 7:15 P.M. to consider the following in the order in which they appear:

- 1) T 119-2008. adding a minimum setback of 10 feet from property lines to storm water storage basins;
- 2) T 121-2008, adding standard construction details to Engineering Department requirements for construction; and
- 3) T 122-2008, amending NRCO Section 1046.19 by adopting and revising water line material and construction specifications.

ADJOURNMENT:

 moved by Jaenke to adjourn

Meeting adjourned at 8:40 P.M.

Approval of Minutes:

MOTION _____ Olesen _____ 2ND _____ Corcoran _____ DATE _____ January 5, 2009 _____

YES _____ 7 _____ NO _____ 0 _____ ABSTAIN _____ 0 _____