

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING MARCH 2, 2009**

CALL TO ORDER: 7:30 P.M.

President Bernadine Butkowski: I call to order the North Ridgeville City Council Meeting of Monday, March 2, 2009. 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, Engineer Larry Griffith, Law Director Andrew Crites, Auditor Chris Costin and Clerk of Council Warren Blakely.

MINUTES - Corrections (if any) and Approval:

President Butkowski:

Public Hearing Minutes of February 17, 2009 re: T 6-2009

 moved by Olesen, seconded by Boose to approve the minutes

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

 Yes, 6 No, 0

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

Council Minutes of regular meeting held February 17, 2009

 moved by Corcoran, seconded by Olesen to approve the minutes

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

 Yes, 6 No, 0

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

President Butkowski: Please note:

Parks & Recreation Commission Minutes of regular meeting January 28, 2009 and
Civil Service Commission Minutes of regular meeting February 17, 2009.

LOBBY:

President Butkowski: We'll move on to the Lobby. I'm asking anyone who would like to address Council tonight to fill out the 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. 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. Who would like to come up and speak?

1) Hazel Sferry of 33025 Hidden Hollow Court spoke regarding the Planning Commission meeting dated February 10, 2009 and thanked specific individuals for their professionalism and condemned others for their public disrespect of Council Members and stated that the meeting was an embarrassment to the community.

President Butkowski: Thank you, Mrs. Sferry. Did anyone else want to speak tonight? Please, come forward.

2) Curtis Richrath of 2089 North Ridge East, Lorain, Ohio spoke regarding the Victory Lane Improvement Project and its award to the lowest bidder. He asked that the City consider the most responsible bidder instead of the lowest bidder. He continued to speak against the lowest bidder, noting their past poor workmanship and OSHA violations they have received. He noted that he brought reports to hand out.

President Butkowski: Your three minutes are up and you can leave the reports over there. Is there anyone else that would like to speak tonight?

3) Vernon Floyd of 949 Viola Boulevard, Akron, Ohio spoke regarding the Victory Lane Improvement Project and the awarded bidder. He referred to the case study they provided Council and noted that the awarded bidder did not comply with the state agency EEO requirements.

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

4) Victor Nelson of 9030 Reed Road spoke his concerns relating to the state budget cuts and presented a CD, which contained information on the state budget and how it will affect the City of North Ridgeville and particularly, how it will affect the prisons that are located down the street. He spoke regarding his concerns as they relate to the safety and security of the residents in North Ridgeville and noted two incidents that occurred at the prison. His belief is that more unsafe conditions will be created due to the cuts being done at the prison.

President Butkowski: Mr. Nelson your three minutes up.

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

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.

President Butkowski: Mr. Nelson, you have three more minutes.

Victor Nelson: Thank you. I appreciate that. I'll summarize it, because there is a lot of information to go over in three minutes and that is why I put it on that CD. That was my own expense there. What I'm concerned about is that the State of Ohio has put their hands into federal dollars that created a deficit for our children, but yet, it wasn't necessary. The information on that CD will show a letter from the office of Budget Management to the Director and to Governor Strickland that states there is plenty of money there. Basically, what I want everybody in this room; including the responsible Council and Administration to do, is to call your leaders after you review this information. Call them up and say, what is going on here. Why do we need to cut public safety out of the budget or reduce their size when it isn't necessary? Ultimately, the responsibility of the state in that department is to protect the citizens of Ohio. I have some cards with phone numbers on it if anybody else wants the information on how to get in touch with Terry Collins or Governor Strickland or Betty Sutton and any congress person, because I think we are being misled and I think it's time that as Americans and citizens of Ohio, we tell our elected officials what they are suppose to be doing.

President Butkowski: Thank you. Is there anyone else that would like to speak tonight? Please don't walk in front of the camera. It doesn't look good at home.

5) Mark Shadberry of 2089 North Ridge, Lorain, Ohio spoke regarding the Victory Lane Improvement Project noting that it is a prevailing wage project. The contractor that apparently has the low bid is an out-of-area contractor. He will have no local people working on this project. He stated that it is the taxpayer's money and feels that the City should look at other contractors that will use local people. He noted the safety issues that prompted the OSHA violations that this company received in the past.

President Butkowski: Thank you. Is there anyone else that would like to speak? I'll close the lobby session and we'll move on to the Administrative Reports. Mayor Gillock?

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Good evening. You have before you an ordinance that I just passed out, authorizing the Mayor to enter into an agreement with Allied Waste for solid waste collection and processing of recyclables and yard waste for residential units. I would ask the Clerk to assign this a T number.

moved by Mayor Gillock, seconded by Olesen to suspend By-Laws to give this a first reading this evening

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 and the T number is T 25-2009.

Mayor Gillock: Thank you. It is our desire to pass this ordinance along with T 10 and T 11 at the next meeting with the emergency clause, as it has been discussed for some time, to maintain solvency in our water and sewer accounts and our rates need to be raised. The Auditor has explained these in quite detail, along with our solid waste rates. We did go to bid for solid waste and the lowest bid was still Allied Waste. We, also, received bids from Waste Management and J & J Refuse. Our program remains the same as we have now, where they will pick up everything we put out within the contract. They won't do auto parts and other items such as that, but they will take waste goods bundled, branches, yard waste and so forth. We will be implementing a 900 unit pilot program using the containers. We need to get all three of these rate structures in place as soon as possible. These are based upon the rates that we must pay our vendors and each month we wait, simply means we are further in the hole. So, we will get that on the agenda. We won't do anything with it tonight and then, at the next meeting, we can address all three.

T 15 and T 21 should just receive their first readings this evening. We do not want to pass those until the budget is adopted at the next meeting.

Lastly, I received a brochure that I would like to let our residents know, that the US Census Bureau is now taking applications for employment. You can call 1-866-861-2010, that's 1-866-861-2010 for information. Or you can go to their website at www.2010censusjobs.gov. That's www.2010censusjobs.gov. I looked at it today and they have some jobs on there. They indicated that for next year's census, most of the hiring will start in the Spring of this year. So, now would be a good time to start talking to them and checking that website if you are interested. Hopefully, if you are interested, you can be able to make something work there. That concludes my report. Thank you.

President Butkowski: Thank you, Mr. Gillock. Safety-Service Director, Mr. Johnson.

B. Safety-Service Director:

Safety-Service Director Johnson: Thank you, Madam Chairman. The City has a committee of employees that manage our web site and they asked me to make a plea to residents for any pictures they may have of basic City sites, such as the parks or anything else that might interest people coming to the City website. The primary need, right now, are seasonal pictures, such as those found on our main page. If you have any digital pictures you would like to share, please email them to Computer Services or myself at the address available on the web site. Please include a simple line indicating you own the rights to the pictures and authorize us to use the

picture. That concludes my report.

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

C. Engineer:

Engineer Griffith: With all the snow we have been having, comes the salt and road grime that attaches itself to your car. If you wash your car at home, try to use a bucket and wash your car in your garage where the floor drain is connected to the sanitary sewer and the waste water will go to the wastewater treatment plant. If it is financially possible for you to do so, take your car to the carwash.

At the last Council meeting, I discussed the fact that all Best Buy stores were now involved in an electronics recycling program. They will not however, accept televisions with screens greater than to 32 inches. However, our Auditor Chris Costin, being the gracious man that he is, came up to me after the last Council meeting and told me that if anyone wanted to recycle any working televisions with 48 inch, 50 inch or 52 inch screens, that he volunteered to personally see, that they would be recycled. He only asks that the televisions be dropped off at the Auditor's office here in City Hall. Thank you Madam President. That's all I have this evening.

President Butkowski: Thank you, Mr. Griffith. I hope you have room for that in your office, Chris. I am moving on to the Auditor, Chris Costin.

D. Auditor:

Auditor Costin: Well, there is no formal report due this evening Madam Chairman. Although, I do want to remind Council that we are in the midst of completing the appropriation ordinance. We did have our Council Finance meetings, appropriation meetings last week and the permanent ordinance will be at the next Council meeting for your passage with the emergency, so we can have it in place as required by the Ohio Revised Code. I will have, hopefully, some TVs available for you.

President Butkowski: Thank you. I'm looking forward to that.

E. Other Reports:

COUNCIL COMMITTEE REPORTS:

President Butkowski: Council Committee Reports, we have none.

CORRESPONDENCE:

President Butkowski: There is no correspondence tonight.

OLD BUSINESS:

President Butkowski: There is also no old business. Moving on to new business. Clerk, could you please read our new business for tonight.

NEW BUSINESS:

Clerk of Council Blakely:

T 22-2009 AN ORDINANCE AMENDING SECTION 1228.01(b)(2), DUTIES OF CITY ENGINEER; CONSTRUCTION SPECIFICATIONS AND REGULATIONS, BY DEFINING THE USES TO WHICH A DEPOSIT MAY BE APPLIED AND MAKING IT CONSISTENT WITH THE LANGUAGE IN DEVELOPMENT AGREEMENTS AND (b)(8).

President Butkowski: Thank you. That will have to be amended to read in Section 1228.01. I don't think we need a motion for that. You'll get a new copy of that as there was a typographical error on that.

Clerk of Council Blakely: Madam President, Council Clerk understands that after the word and before b; at the end of the last line, we should insert, quote, in Section 1228.01. Is that correct?

President Butkowski: Yes, that is correct. I WILL REFER THAT TO BUILDING AND LANDS.

T 23-2009 AN ORDINANCE AMENDING NRCO SECTION 880.03 IMPOSITION OF TAX BY EXEMPTING STOCK OPTIONS FROM TAXABLE INCOME.

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

T 24-2009 AN ORDINANCE CREATING THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT AND ESTABLISHING THE QUALIFICATIONS FOR THE FULL-TIME POSITION OF DIRECTOR OF THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

President Butkowski: I will refer that to the Finance Committee.

Mayor Gillock: Madam Chairman.

President Butkowski: Yes, Mr. Gillock?

Mayor Gillock: That would probably be more appropriate to go to the Administrative Committee, because this doesn't involve the salary structure. This is just the job description.

President Butkowski: Well, I think we should be sure we have enough money for . . .

Mayor Gillock: We will have to come back with another ordinance at some point, if we ever fill this position, to establish a salary schedule. We don't have a salary for this position right now. We are not looking to fill it right now. We would just like to get the job description in place, so when the time is right, we would be able to move forward.

Council Member Boose: Madam President.

President Butkowski: Yes, Mr. Boose?

Council Member Boose: With all due respect to your recommendation, I would agree with the Mayor, that it would be more appropriately, in my opinion, placed in the Administrative Committee, due to the nature of the legislation.

President Butkowski: As long as there is no, I will go along with that then and REFER IT TO THE ADMINISTRATIVE COMMITTEE, if that is all you want to do with it.

Mayor Gillock: Yes, there is no salary being considered at this point.

President Butkowski: Before any final decision could be made, we would have to have it in the Finance Committee also. All right, we will put it in Administration. We're moving on to the recess.

Council Member Corcoran: Point of order. Do we have T 25?

President Butkowski: That was placed in first readings. This is new business. We are moving to recess.

RECESS:

 moved by Boose, seconded by McLaughlin to suspend the By-Laws to eliminate the recess tonight

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 to suspend the recess.

President Butkowski: Moving on to first readings. Clerk, please read T 168.

FIRST READINGS:

Clerk of Council Blakely:

T 168-2008 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 4.7798 ACRES AND PART OF 35496 LORAIN ROAD, PERMANENT PARCEL NUMBER 07-00-024-101-106; (AS SHOWN BY LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE DISTRICT TO I-2 LIGHT INDUSTRIAL DISTRICT AND OWNED BY STONE RIVER INDUSTRIAL PROPERTIES, LLC.
First Reading

President Butkowski: T 10.

Clerk of Council Blakely:

T 10-2009 AN ORDINANCE AMENDING NRCO SECTION 1046.05 BY REPLACING
THE SCHEDULED 2009 AUTOMATIC WATER RATE WITH A SET RATE.
First Reading

President Butkowski: T 11.

Clerk of Council Blakely:

T 11-2009 AN ORDINANCE AMENDING NRCO SECTION 1044.01 USER CHARGES
BY INCREASING SANITARY SEWER RATES.
First Reading

President Butkowski: T 15.

Clerk of Council Blakely:

T 15-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A
CONTRACT FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW
AND IN A MANNER PRESCRIBED BY LAW, FOR THE PURCHASE OF
CHEMICALS TO BE USED BY THE FRENCH CREEK WASTE WATER
TREATMENT PLANT.
First Reading

President Butkowski: T 17.

Clerk of Council Blakely:

T 17-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND NEGOTIATE A
CONTRACT, FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW,
AND IN A MANNER PRESCRIBED BY LAW, TO FURNISH AND INSTALL
FULL DEPTH CONCRETE PADS AND REPAIR SERVICES TO BE USED
BY THE CITY OF NORTH RIDGEVILLE, OHIO.
First Reading

President Butkowski: T 18.

Clerk of Council Blakely:

T 18-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND NEGOTIATE A
CONTRACT FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW
AND IN A MANNER PRESCRIBED BY LAW, TO FURNISH AND/OR

DELIVER CONCRETE TO BE USED BY THE CITY OF NORTH
RIDGEVILLE, OHIO.

First Reading

President Butkowski: T 19.

Clerk of Council Blakely:

T 19-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND NEGOTIATE A
CONTRACT FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW
AND IN A MANNER PRESCRIBED BY LAW, FOR THE PURCHASE OF
LIMESTONE AND SAND TO BE USED BY THE CITY OF NORTH
RIDGEVILLE, OHIO.

First Reading

President Butkowski: T 20.

Clerk of Council Blakely:

T 20-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND NEGOTIATE A
CONTRACT FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW
AND IN A MANNER PRESCRIBED BY LAW, FOR THE PURCHASE OF
ASPHALT AND RELATED MATERIALS TO BE USED BY THE CITY OF
NORTH RIDGEVILLE, OHIO.

First Reading

President Butkowski: T 21.

Clerk of Council Blakely:

T 21-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
RIDGEVILLE TO ADVERTISE FOR BIDS AND NEGOTIATE A CONTRACT
ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR
THE RENTAL OF EQUIPMENT AND RELATED SERVICES FOR ROAD
REPAIR AND MAINTENANCE TO BE USED BY THE SERVICE
DEPARTMENT.

First Reading

President Butkowski: T 25.

Clerk of Council Blakely:

T 25-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
RIDGEVILLE, OHIO, TO ENTER INTO A FIVE (5) YEAR CONTRACT WITH
ALLIED WASTE SERVICES FOR THE COLLECTION AND DISPOSAL OF
SOLID WASTE AND COLLECTION AND PROCESSING OF RECYCLABLE

MATERIAL AND YARD WASTE FOR EACH RESIDENTIAL UNIT WITHIN THE CITY OF NORTH RIDGEVILLE, OHIO, AND PROVIDING FOR A LOCAL PROCESSING FEE TO BE CHARGED BY THE CITY OF NORTH RIDGEVILLE, OHIO.

First Reading

President Butkowski: Thank you.

SECOND READINGS:

President Butkowski: We have no second readings tonight. We'll move on to the third readings and the first one being T 5.

THIRD READINGS:

T 5-2009 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR SANITARY SEWER MAIN LINE AND MANHOLE GROUTING, RE-LINING AND POINT REPAIRS AND OTHER APPURTENANCES, AND TO NEGOTIATE AND ENTER INTO A CONTRACT WITH A CONSULTING ENGINEERING FIRM FOR PLANS SPECIFICATIONS, AND CONSTRUCTION PHASE SERVICES FOR THE SAME, NOT TO EXCEED \$100,000.00.

Third Reading

President Butkowski: We cannot vote on this tonight, because we have not approved the appropriations. So, we will move on to T 1.

Law Director Crites: Point of order, Madam President. Don't we need a motion to postpone this until the next meeting, rather than just tabling it?

President Butkowski: Yes, I'll get a motion to postpone it to the next meeting, after we have the approval of the appropriations.

moved by Boose, seconded by Olesen to postpone this until the next meeting after we have the approval of the appropriations

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

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero to postpone T 5 until the next meeting.

President Butkowski: Okay, we move on to T 1.

Clerk of Council Blakely:

T 1-2009 AN ORDINANCE CEASING THE INTRODUCTION OR DEVELOPMENT OF
4637-2009 ADDITIONAL PLANNED COMMUNITY DEVELOPMENT DISTRICTS IN

THE CITY OF NORTH RIDGEVILLE.

Third Reading

moved by McLaughlin, seconded by Boose to adopt T 1

President Butkowski: Do we have any discussion?

Council Member Corcoran: Madam President. Actually, I do have some discussion on T 1.

President Butkowski: Discussion on T 1?

Council Member Corcoran: Residents don't expect us to be perfect. They do expect us to fix things when they go wrong. I have always insisted that we could make changes and still benefit this City. Nothing is more powerful for our future, than being a gatherer of good ideas and information. That is called doing your homework. I believe that I have done that homework. I have produced facts that experts in the field of finance, land planning, conservation and municipal government all agree that higher density developments are the best use of land. They agree that these developments maximize land use, preserve natural resources and provide the greatest economic benefit to all. Our Committee has not done their homework. It has not provided experts and has ignored our Chief Building Official's comments to fix this legislation. I find it difficult to accept that our City could not make use of a concept loved by experts. Perhaps, it is because we have individuals substituting their own opinions for those of these experts. I reject that thinking and know that there is a better way. I have completed my homework (tape one, side A ended).

moved by McLaughlin, seconded by Boose to adopt

President Butkowski: A motion was made by McLaughlin and seconded by Buescher. Is there any discussion?

Council Member Buescher: Madam President, Council Member Boose seconded.

President Butkowski: Thank you. (tape one, side B begins) Clerk, please call the roll.

Yes, 5 No, 1 (Corcoran)

Clerk of Council Blakely: Motion passes by a vote of five to one.

President Butkowski: Thank you and that will become?

Clerk of Council Blakely: And becomes ordinance number 4637-2009.

Permanent Ordinance No. 4637-2009

COMMITTEE MEETING ANNOUNCEMENTS:

President Butkowski: Upcoming meeting announcements:

Next Regular Council Meeting Monday, March 16, 2009 at 7:30 P.M. in Council Chambers.

Public Hearing Monday, April 6, 2009 at 7:20 P.M. in Council Chambers re: T 168-2009, re-zoning approximately 4.7798 acres and part of 35496 Lorain Road, Permanent Parcel No. 07-00-024-101-106 from R-1 to I-2 and owned by Stone River Industrial Properties, LLC.

ADJOURNMENT:

moved by Olesen to adjourn

Meeting adjourned at 8:12 P.M.

Approval of Minutes:

MOTION Olesen 2ND Boose DATE March 16, 2009

YES 6 NO 0 ABSTAIN 0