

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING MAY 4, 2009**

CALL TO ORDER: 7:30 P.M.

President Bernadine Butkowski: I call the North Ridgeville City Council Meeting to order for May 4, 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, Richard Jaenke, Kevin Corcoran, Ray McLaughlin and President Bernadine Butkowski.

Absent was Council Member Bob Olesen.

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: Thank you. We move on to the minutes

Council Minutes of regular meeting held April 6, 2009

 moved by Jaenke, seconded by Corcoran to approve the minutes

President Butkowski: Do we have 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 and Recreation Minutes of regular meeting March 25, 2009;

Board of Drainage and Flood Control Minutes of regular meeting January 27, 2009; and

Board of Zoning and Building Appeals Minutes of regular meeting April 23, 2009.

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. 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. Is there anyone who would like to speak?

1) Louis Sullivan of 5880 Jaycox Road stated that when she attended last fall she talked about changing the lobby and nothing has been done about it. She spoke about the controversy on Barres Road and asked what caused the culvert to break down the last few years noting that she use to ride on hay loads on Barres Road. She stated that the culvert always held up until the heavy traffic. She recalled reading about a sink hole and noted that they never sank and they drove across the road in Winter, Summer, Spring or Fall. She stated that she would like to see it opened again and asked if the City could find out why that culvert has broke down and help repair it to get it in working condition. She believes it should be a good road to get across.

President Butkowski: Is there anyone else that would like to speak tonight? Seeing no one else we'll move on to the Administration Reports.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you, Madam President, a couple of good pieces of information for our residents; I'm sure that they will be glad to hear. I received word today that we anticipate starting re-paving on Lear Nagle on May 18, two weeks from today, scheduling is dependent upon cross roads asphalt who has to do the grinding for us and they could not start any sooner. Even though we tried to get them sooner. Be advised and you will see more notices that they will work from 8:00 A.M. until 4:00 P.M. but they will be laying closures. I would advise you, if possible, to find another way around or expect delays if you can't. We realize this is going to be difficult. It's a tight two lane road but, to do it we are going to have to go down to one lane. So, most of you are aware of what that's going to be like so, word to the wise.

We also anticipate paving on Case Road beginning next Monday, a week from today, that should take about two days after which we should be able to open the road to through traffic. We won't be finished with construction there but, we should be open to let traffic through. Watch for the road close signs to go down first. If the road close signs are still up, you'd still be subject to being ticketed if you were driving down a closed road so, we hope a week from Wednesday, Case Road will be open to traffic.

This coming Saturday is the Annual Fishing Derby at South Central Park sponsored by the North Ridgeville Fire-fighters in the North Ridgeville Fishing Clubs for kids from kindergarten to seniors. Registration starts at 8:00 A.M. and goes to 1:00 P.M. Also, the following Saturday, which is before our next Council meeting, May 16 is Pride Day. Various civic groups will be

beautifying our parks. The Shred-It truck will be parked at the Senior Center where residents can shred up to two banker boxes of documents for free and the Fire Department will be cooking for the all you can eat pancake breakfast at the Senior Center. Hope to see you all there.

Late this afternoon, when one of our businesses gets some good publicity, we like to highlight them a little bit. Extreme Performance Auto on Center Ridge Road has a very nice article in a magazine called In Tune put out by ACDelco. Their spring edition goes to about nine thousand dealers. It's a really, really, nice article about that business and we're real proud about it.

Other than that, tomorrow's Election Day, remember to vote. Thank you. That concludes my report.

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

B. Safety-Service Director:

Safety-Service Director Johnson: Thank you, Madam President. With the warm weather finally arriving, security in our parks is an issue again. We experience an increase in vandalism during the warm weather. I want to ask the residents and viewers out there, especially those who live by the Parks, if you see suspicious activity, please report it. With the tight budget this year or next, we're not going to be able to replace some of the damaged stuff like we have in the past. So, extra vigilance would be helpful. If you see any activity, please call the Police.

Also for Council, T 45 on your agenda today, we'd like to get that passed with the emergency. This is for purchase of Police cars. The Department has told me that May 14 is the cut off date for orders. If we don't get the orders in by then, the orders will not be reopened into later in the year. It's imperative that we get it passed today with the emergency in order to get the cars on the road soon here. That concludes my report.

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

C. Engineer:

Engineer Griffith: Thank you, Madam President. As the Mayor mentioned on Saturday, May 16 the city of North Ridgeville will again participate in Lorain County Pride Day. As of this afternoon at two o'clock, Melissa Williams, in our Recreation Department, said she had 140 volunteers signed up to help. If you are interested in helping in a cleanup project or have a project in mind, please call Melissa at 353-0880, that's 353-0880. Also, as the Mayor mentioned, the Shred-It truck will be in the City Hall parking lot from 10:00 A.M. to 1:00 P.M. If you have material that you wish to shred, you will be given a 50 cents off per person coupon to

the Fire Department Pancake Breakfast the Mayor mentioned. That will run from 9:00 A.M. to 1:00 P.M. Also, last but not least, on that same day Lorain County Solid Waste Management District will sponsor an Annual Scrap Tire Collection Day. Old tires can be dropped off at the Service Garage at 35010 Bainbridge Road from 9:00 A.M. to 3:00 P.M. If you see an old discarded tire in a ditch or in a vacant lot or any place for that matter, pick it up and drop it off at the Service Garage. That concludes my report.

President Butkowski: Thank you, Mr. Griffith. Auditor Mr. Costin.

D. Auditor:

Auditor Costin: Thank you, Madam President no report scheduled for this evening and no comments.

E. Other Reports:

President Butkowski: Other reports:
Fire Department Report for March 2009; and
Police Department Support Report for March 2009.

COUNCIL COMMITTEE REPORTS:

President Butkowski: We have no Council Committee Reports. Clerk could you please read the correspondence?

CORRESPONDENCE:

Clerk of Council Blakely:

- 1) Received a memo from Mayor David Gillock submitting the first public draft of the Master Plan.
- 2) Received a memo from Mayor Gillock submitting an Executive Summary section from the "Report on Fly Ash Assessment" that was required to be completed because of an anonymous complaint costing the City \$12,000.

Mayor Gillock: Madame President, just to expand on that second one a little bit. That memo's correct, although, that's not the prime reason of the memo. What I was informing Council of is that, as a result of this test, I wanted to confirm according to EPA, the fly ash is nontoxic and is exempt from classification as a solid waste because, I was sure that as we go forward there will be those that are rightfully and reasonably concerned or there might be danger for their kids

playing ball on a fly ash disposal site and this was sent to Council to alleviate those concerns that according to the Ohio EPA and the test that we had done, it is nonionic; it is an exempt waste and we won't have any problems with it. Thank you.

OLD BUSINESS:

President Butkowski: Thank you. We have no old business. Our new business for tonight.

NEW BUSINESS:

Request from the Park and Recreation Commission for Council approval to expend \$15,000.00 from the Parks and Recreation Improvement Fund for the purchase of a metal building to be constructed at the Shady Drive Complex

moved by McLaughlin, seconded by Boose to approve the expenditure of \$15,000.00 from the Parks and Recreation Improvement Fund for the purchase of a metal building

President Butkowski: Is there any discussion?

Mayor Gillock: Madam President, this request came to the Parks and Recreation Commission from the Baseball Boosters. They were able to locate and get a quote for a building, I believe this one is 40 by 80 and there was another one that were buildings that were ordered by others and then were not taken, returned to the company. They're getting a very good price on them. The one building that they really want to get is a steel building and the price is 27,500 and there would be incidentals along with that. They're willing to pay for half of that building if the Parks and Recs would pay for the other half. That is what this 15,000 is for. Keep in mind, this does not include installation so we'll have to figure out that portion of the program to get the building put up. This building normally sells for about 80,000, I believe. It's a really good deal and they would like to be able to do this. With this building they will be able to put the batting cages inside; use nets, so they would be able to instead of having a permanent fixture with the batting cages, they'll be able to use the nets; raise them up and use the whole building for in field practice or whatever they might want to do in inclement weather. Thank you.

President Butkowski: Is there any discussion?

Auditor Costin: For the record, I believe we're pretty much, I didn't bring my recap with me, I left a few things in the office but, I believe for the record we've pretty much utilized the amount that we had in the Parks and Recreation Improvement Contingency Fund that was appropriated. Approving this, we're going to need to, I'm not sure how fast they're going to move. Is the total 15,000 or is our half 7,500?

Mayor Gillock: Our half is 15,000.

Auditor Costin: It will require an additional appropriation ordinance for that fund. There are monies available in the fund. We've just not chosen to appropriate them at this time so, just to put you on notice that we're going to have to come back with an appropriation ordinance if Council passes this.

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

Yes, 6 No, 0

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

President Butkowski: Thank you. Clerk, could you read the other new business starting with T 45.

Clerk of Council Blakely:

T 45-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO PURCHASE/LEASE NEW POLICE VEHICLES AND RELATED LAW ENFORCEMENT EQUIPMENT FROM THE STATE CO-OP, OR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT TO EXCEED \$275,000.00.

moved by McLaughlin, seconded by Corcoran to suspend By-Laws to give this 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 46-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO ENTER INTO AN AGREEMENT WITH THE STATE CO-OP FOR THE REPLACEMENT OF THE LOWER ROOF SECTION AND TO REFURBISH THE UPPER ROOF SECTION OF FIRE STATION NO. 2, INCLUDING LABOR AND MATERIALS, OR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT TO EXCEED \$51,180.00.

moved by Mayor Gillock, seconded by Boose to suspend By-Laws to give this a First Reading this evening

President Butkowski: Is there any discussion?

Mayor Gillock: Madam President, this was appropriated. The money was appropriated during appropriations. The roofs are leaking. They would like to get this passed this evening so they can get these roofs repaired. Thank you.

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

Yes, 6 No, 0

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

T 47-2009 AN ORDINANCE AMENDING ORDINANCE NO. 4544-2008 BY INCREASING THE YEARLY EXPENDITURE FOR PROFESSIONAL

METERING SERVICES RENDERED BY MARSH-MCBIRNEY, INC. FROM \$60,000.00 TO \$80,000.00.

T 48-2009 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO ANDREW J. CRITES FOR LEGAL SERVICES IN THE AMOUNT OF \$10,440.00.

moved by Gillock, seconded by Corcoran to give this a First Reading this evening
President Butkowski: Do we have any discussion?

Mayor Gillock: Madam President, this one arose because we went, with the Law Director we do a, and the Auditor can chime in, we do a quarterly purchase order because of the work required on Victory Lane which we'll get half of this back. We weren't aware when we exceeded the purchase order, the quarterly blanket purchase order. We need to do the expenditure of funds to pay this bill.

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

Auditor Costin: Yes, if these actually were estimated and included in the cost of the project that were anticipated, we would have in house legal fees. They weren't included in the cost of the project but, as the Mayor indicated, the quarterly purchase order was insufficient. The majority of this is related to the Sports Complex project incurred and will be part of the special assessment.

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

Yes, 6 No, 0

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

T 49-2009 A RESOLUTION TERMINATING THE ENTERPRISE ZONE AND TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF NORTH RIDGEVILLE AND SUMMIT TOOL COMPANY.

moved by Gillock, seconded by Boose to suspend By-Laws to give this a First Reading this evening

President Butkowski: Do we have any discussion?

Mayor Gillock: Madam President, T 49 and T 50 both relate to Summit Tool Company who occupied a building on Mills Road and they received a tax abatement back in January 2003 which gave them personal property tax's exemptions for up to ten years. That company has moved out and did not fulfill the terms of the tax abatement. Written into the tax abatement agreement is a claw back clause that says that if you don't totally comply with the terms of the agreement, then we can recover all the taxes that were abated. The first resolution, T 49, is a resolution required that terminates the actual abatement and T 50 is a resolution that allows us, though the County Auditor, to go back and recover those taxes that were abated under the agreement. Thank you. We don't need the emergency but if we could, I would like to get these passed tonight so we can get them back to the Auditor so they can start collection proceedings.

President Butkowski: Is there any other discussion?

Council Member Boose: Madam President, perhaps the Mayor or the Auditor knows, do we know how much money we are talking about as far as being collected?

Mayor Gillock: It was only personal property and the tangible personal property is being phased out anyway so, there was a greater amount in 2003, 2004 but, it's still our money. They didn't fulfill their agreement so we should try to get it back. I will figure out that number and let you know.

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

Yes, 6 No, 0

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

T 50-2009 A RESOLUTION AUTHORIZING THE CITY OF NORTH RIDGEVILLE TO RECOVER PREVIOUSLY ABATED TAXES FROM SUMMIT TOOL COMPANY DUE TO THE COMPANY'S BREACH OF THE ENTERPRISE ZONE AGREEMENT UNDER WHICH THE TAX ABATEMENTS WERE GRANTED.

 moved by Boose, second by Corcoran to suspend the By-Laws to allow 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.

T 51-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ENTER INTO AN AGREEMENT WITH THE CITY OF AVON LAKE FOR AN EASEMENT ALONG THE EAST SIDE OF CITY-OWNED PARCEL NUMBER 07-00-046-101-004.

Mayor Gillock: Madam President, I'm not making a motion to move this forward but, I just wanted to explain a little bit what this is. This is actually the LORCO Sanitary Sewer project though a combination of force main and gravity sewers. They're running sewers all the way from Eaton Township to Avon Lake; it goes along the railroad track though some of our property, including going across Center Ridge Road; therefore, to put this project on our property they need our easement so that's all this is, giving them an easement for that utility. Thank you.

President Butkowski: Thank you.

Council Member Corcoran: I have a question. What if we say no?

Mayor Gillock: If we said no, we'd probably end up in court and probably lose anyway because it's a necessary utility for that area. Maybe the Law Director could chime in, if you would like to tell somebody no in a utility, what happens?

Law Director Costin: A long drawn out, very expensive legal battle.

Mayor Gillock: We did have a discussion with them about taking it to French Creek and we offered them the same rates that we offer our other customers and they chose to stay with the program that they had been looking at for a number of years. We really have no reason or

incentive not to allow it as long as it doesn't interfere with our operations and so forth but, we did not allow for them to open cut on Center Ridge Road or Burns Road like they wanted to. We made them go to Planning which they need to do so we know where the lines at and how deep it is. We've made them comply with our planning ordinances; to notify other property owners; obtain easements; notify adjacent property owners which they did not have on their application. We've made them comply just like anybody else would but, we really have no reason to tell them no. Thank you.

RECESS:

President Butkowski: That's all the new business that we have.

moved by Jaenke, seconded by Buescher to eliminate the recess

Yes, 6 No, 0

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

FIRST READINGS:

T 45-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4660-2009 RIDGEVILLE TO PURCHASE/LEASE NEW POLICE VEHICLES AND
 RELATED LAW ENFORCEMENT EQUIPMENT FROM THE STATE CO-OP,
 OR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH
 AN OUTSIDE VENDOR ACCORDING TO LAW AND IN A MANNER
 PRESCRIBED BY LAW, NOT TO EXCEED \$275,000.00.

First Reading

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

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.

moved by Corcoran, seconded by Boose to adopt

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

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

Yes, 6 No, 0

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

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

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero and becomes ordinance number 4660-2009.

Permanent Ordinance No. 4660-2009

T 46-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4661-2009 RIDGEVILLE TO ENTER INTO AN AGREEMENT WITH THE STATE CO-
OP FOR THE REPLACEMENT OF THE LOWER ROOF SECTION AND TO
REFURBISH THE UPPER ROOF SECTION OF FIRE STATION NO. 2,
INCLUDING LABOR AND MATERIALS, OR TO ADVERTISE FOR BIDS
AND ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR
ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT
TO EXCEED \$51,180.00.

First Reading

moved by McLaughlin, seconded by Corcoran to dispense with 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 to zero.

moved by McLaughlin, seconded by Corcoran to adopt

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 and becomes ordinance number 4661-2009.

Permanent Ordinance No. 4661-2009

T 48-2009 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO
1160-2009 ANDREW J. CRITES FOR LEGAL SERVICES IN THE AMOUNT OF
\$10,440.00.

First Reading

moved by Gillock, seconded by McLaughlin to dispense with second and third readings

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

Yes, 6 No, 0

moved by Boose, seconded by Jaenke to adopt

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 and becomes resolution number 1160-2009.

Permanent Resolution No. 1160-2009

T 49-2009 A RESOLUTION TERMINATING THE ENTERPRISE ZONE AND TAX
1161-2009 ABATEMENT AGREEMENT BETWEEN THE CITY OF NORTH
RIDGEVILLE AND SUMMIT TOOL COMPANY.

First Reading

moved by Boose, seconded by Corcoran to dispense with second and third readings this evening

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
moved by Boose, seconded by Corcoran to adopt

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 and becomes resolution number 1161-2009.

Permanent Resolution No. 1161-2009

T 50-2009 A RESOLUTION AUTHORIZING THE CITY OF NORTH RIDGEVILLE TO
1162-2009 RECOVER PREVIOUSLY ABATED TAXES FROM SUMMIT TOOL
COMPANY DUE TO THE COMPANY'S BREACH OF THE ENTERPRISE
ZONE AGREEMENT UNDER WHICH THE TAX ABATEMENTS WERE
GRANTED.

First Reading

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

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

Yes, 6 No, 0

moved by Boose, seconded by Jaenke to adopt

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

Yes, 6 No, 0

Blakely: Motion passes by a vote of six to zero and becomes resolution number 1162-2009.

Permanent Resolution No. 1162-2009

SECOND READINGS:

President Butkowski: We have no second readings tonight, and we have one third reading.

THIRD READINGS:

T 22-2009 AN ORDINANCE AMENDING SECTION 1228.01(b)(2), DUTIES OF CITY
REVISED 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 IN SECTION (b)(8).**

Third Reading

President Butkowski: We will not vote on this one tonight because, it has not had a public hearing. The public hearing is set for Monday, May 18, 2009 at 7:20 P.M. Then we will be able to vote on it after that.

COMMITTEE MEETING ANNOUNCEMENTS:

President Butkowski: We move on to upcoming meeting announcements:
Next Regular Council Meeting Monday, May 18, 2009 at 7:30 P.M. in Council Chambers

Public Hearing Monday, May 18, 2009 at 7:20 P.M. re: T 22-2009, amend 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 in Section (B)(8).

President Butkowski: Before we adjourn I want to remind everybody, don't forget to go out and vote tomorrow.

ADJOURNMENT:

moved by Jaenke to adjourn

Meeting adjourned at 8:07 P.M.

Approval of Minutes:

MOTION Jaenke 2ND Corcoran DATE May 18, 2009

YES 6 NO 0 ABSTAIN 1 - Olesen