

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JULY 20, 2009**

CALL TO ORDER: 7:30 P.M.

President Bernadine Butkowski: I call to order the North Ridgeville City Council Meeting of July 20, 2009. Please stand for the Invocation and the 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: Thank you. Council Minutes of special meeting held June 29, 2009.
moved by Corcoran, seconded by McLaughlin to approve the minutes

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

Yes, 7 No, 0

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

President Butkowski: Public Hearing Minutes of July 6, 2009.

moved by Corcoran, seconded by McLaughlin

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

Yes, 7 No, 0

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

Council Minutes of regular meeting held July 6, 2009.

moved by Corcoran, seconded by McLaughlin

President Butkowski: Do we have 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:

Board of Drainage and Flood Control Minutes of regular meeting April 28, 2009;

Planning Commission Minutes of regular meeting July 14, 2009.

LOBBY:

President Butkowski: 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. You will have three minutes to address Council. There will be no interaction. Is there anyone who would like to speak tonight?

1) Charles Stella of 31740 Cook Road spoke about the quality of his water on Cook Road. He stated that it's undrinkable, he can't shower in it and his dogs can't drink it. He displayed a sample of what actually comes out of his tap. He noted that there are 12 houses on his street and asked that something be done. He explained problems with his shower, toilet and hot water tank from the rust and sediment from the waterline.

Safety-Service Director Johnson: Madame President, could we get that address again?

Mr. Stella: Three one seven four zero Cook Road.

Mayor Gillock: Madam President, we'll certainly take a look at that. That's the first I've heard of it. It's something entirely new and we'll certainly take a look into that.

President Butkowski: Is there anyone else who would like to speak tonight? We will move onto our Administrators Report.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Good Evening and thank you, Madam President. First, the term of Bruce Roubaud, as a member of the Fair Housing Board, expired of July 5. Mr. Roubaud has done an excellent job as a member and asked to be reappointed. Toni Hatmaker, Executive Secretary of the Board, recommended that Mr. Roubaud be reappointed and I'm glad to do so. Mr. Roubaud's new term will run from July 6, of this year through July 5, of 2012. We certainly appreciate his willingness to participate and thank Mr. Roubaud on the behalf of the Citizens of North Ridgeville for his continued service to the community.

Next, I wish to advise Council and our residents that August 7, 8 and 9 have been proclaimed Corn Festival days and we hope to see everyone there.

Next, I'd like to speak a little bit about a project our Fire Department in the City is involved in. If you go to a website, EfficientGovNow.org, all one word dot.org. You'll find more information about a grant application that our Fire Department and the cities involved in. We're part of the Westshore Central Dispatch and along with the cities of Westlake, Fairview Park, Bay Village, Rocky River, North Olmsted, and Lakewood. We're investigating ways that we might continue to work together to either improve services to our citizens through our Fire Department services or save costs. This could rank anywhere from sharing training to all the way up, potentially, creating one combined Fire District. We have interviewed; we sent request for proposals to nineteen consultants; we narrowed it down to three. We interviewed those three and we selected one to work with to do a study. The fund for our economic future has some grant opportunities available up to 100,000 dollars per grant and up to three grants and these are to be voted on by the public to decide who wins these grants. Out of the initial return of 65 grant applications, they were narrowed down to 45 that were legitimate, 39 sent follow up applications and nine were selected as finalist. Our grant is one of those nine finalists. You can go to EfficientGovNow.org to cast your vote for one of these nine finalists. You can actually vote for up to three of them. Three of them will receive grants of up to 100,000 dollars. That 100,000 dollars is certain to go a long way to helping to pay for this study that we're looking at. I would ask that you do that. Once again it's EfficientGovNow.org. You can also pick up ballots in our office or call our office. There is a phone number, but we ask for your support in supporting that grant application.

You'll find on your desk this evening, and you should have just received the committee reports. The committee has met on T 65 and T 68. T 65 is an ordinance amending our connection charge ordinance and T 68 is an ordinance to pay for professional metering services to Marsh-McBirney, Both of these are very important at this time and Council's going to be on vacation for the month of August so, it's important that we get these passed this evening. I would like to make a motion to suspend By-Laws to add T 65 and T 68 to the agenda under first readings so that would be addressed this evening.

moved by Gillock, seconded by Buescher to suspend By-Laws to add T 65 and T 68 to the agenda under First Readings

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

Yes, 7 No, 0

Clerk of Council Blakely: Motion to suspend the By-Laws passed by a vote of seven to zero.

Mayor Gillock: Thank you and finally, this coming Sunday at South Central Park, Voices for Children, a nonprofit group that works to help Lorain County abused and neglected children will be presenting the kids fun day in the Park. The event is from noon to five P.M.; they are requesting donations of ten dollars per person for adults, five dollars for children six to 12 and five and under are free. They'll have crafts, games, clowns, magic, face painting, food galore and

it's a great family event for a great cause. If anyone would like to support that and I hope you will, that's at South Central Park this Sunday from noon until five P.M. and that concludes my report.

President Butkowski: Thank you. Safety-Service Director Johnson.

B. Safety-Service Director:

Safety-Service Director Johnson: Thank you, Madam President. Current law does not regulate which side the street parking is allowed resulting in motorists often parking on both sides of the street and it's a safety hazard. It's an ongoing problem, but it peaks during graduation parties and other events during the summer. I want to ask residents out there that are listening to voluntarily park on the side that does not have the fire hydrants and following that up, I would like to ask Council President Butkowski to refer that issue to committee so we can talk about what we can do to solve the problem of people parking on both sides of the street. That concludes my report.

President Butkowski: Thank you. I will refer that to the Safety Committee for parking on the streets. Thank you. Engineer, Mr. Griffith.

C. Engineer:

Engineer Griffith: Thank you, Madam President. I have two items tonight. Many people lose a significant amount of clean water each year through leaking toilets. The city's Utilities Department has a number of packets of toilet dye available for testing their toilet for leaking. Here is what the pamphlet looks like. Inside the instructions say that you remove the cover off the toilet tank; you place one of these small strips of dye that's in the little plastic bag that's attached. You put that inside the tank; then you wait fifteen minutes. Then, you look in the toilet bowl. If the water is clear you have no leaks. If the water is blue you have a leak and you need to either repair the leak yourself or call a plumber. Any resident that may wish to have one of these test packets can obtain it by coming to the Utilities Department at City Hall or we have a few of them down in the Engineering Building Department.

The second item is, I'm sorry to announce that the computer and electronics recycling event that was scheduled for this Saturday, has been postponed to October 10. If you have an item that you planned to recycle this Saturday, please store it in an out of the way location until October.

Please do not put it out for the regular trash for pickup. That concludes my report. Thank you.

President Butkowski: Thank you, Mr. Griffith and save me two of those packets. We move on to the Auditor Mr. Costin.

D. Auditor:

Auditor Costin: Thank you, Madam President. Two items; first of which is the Financial Report for the month of June which Council has received and request your passage.

Auditor's Written Financial Report for June 2009

moved by Boose, seconded by Buescher to accept the Auditors Written Financial Report for June 2009.

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

Yes, 7 No, 0

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

Auditor Costin: Also, as described in the correspondence this evening, the Auditor of State has released its results of the City's year of 2008 Audit. Accordingly, Council Members have received your 2008 CAFR, Comprehensive Annual Report this evening, it was in front of you. On behalf of the City, this CAFR has been forwarded to GFOA for their review for the Certificate of Achievement for Excellence and Financial Reporting and if awarded, it would be the ninth consecutive year for that award on behalf of the City. That concludes my report.

Thank you very much.

President Butkowski: Thank you.

E. Other Reports:

Mayor's Court Report for June 2009;
Police Department Support Car Report for June 2009;
Fire Department Report for June 2009;
Water System Operation Report for June 2009; and
Planning Commission Report of regular meeting July 14, 2009.

COUNCIL COMMITTEE REPORTS:

President Butkowski: Council Committee Reports. Do I have a motion? I'll make the motion to put these reports on the agenda tonight.

moved by Butkowski, seconded by Olesen to place the committee reports on the agenda tonight

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

Yes, 7 No, 0

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

President Butkowski: Clerk, could you read the first report 6266?

Clerk of Council Blakely:

1) UTILITIES COMMITTEE REPORT #6266 dated July 20, 2009: Members of Council: We have considered the matter of T 65-2009, an ordinance amending North Ridgeville Codified Ordinance Section 1044.02, Connection Charges to modify the method of calculating sanitary sewer connection fees to be based on water meter size and recommend that this request be approved and T 65-2009 be adopted by Council.

Signed Chairperson Olesen, Member Buescher and Member McLaughlin.

moved by McLaughlin, seconded by Buescher to accept the committee report

President Butkowski: Do we have any questions? Clerk, please call the roll on the approval of the committee report.

Yes, 7 No, 0

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

2) UTILITIES COMMITTEE REPORT #6267 dated July 20, 2009: Members of Council: We have considered the matter of T 68-2009, an ordinance amending Ordinance No. 4667-2009 by increasing the yearly expenditure for professional metering services rendered by Marsh-McBirney, Inc. from \$80,000 to 125,000.00 and recommend that this request be approved and T 68-2009 be adopted by Council.

Signed Chairperson Olesen, Member Buescher, Member McLaughlin.

moved by McLaughlin, seconded by Buescher to accept

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

Yes, 7 No, 0

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

CORRESPONDENCE:

President Butkowski:

1) Received a memo from Mayor Gillock submitting the most recent and updated version of the 2009 City Mater Plan draft.

2) Received a memo from Mayor David Gillock in regard to a potential of sharing our Fire services with neighboring Fire Departments to increase or improve services and to maximize tax dollars by reducing expenses. Mayor Gillock further explained that Westshore Council of Governments plus North Ridgeville sent out requests to consultants for a study to be conducted and at some point, they will be requesting North Ridgeville's portion of the cost of the study. He further notes that Westshore has applied for a grant through Fund for Our Economic Future and is one of the nine finalists selected. He explains that the three winners of up to \$100,000 will be determined by public voting and encourages all officials and residents to go to EfficientGovNow.com to read the proposal and vote for our project. He notes that you can also vote by telephone or pick up a ballot at City Hall. He further notes that all Mayors and Fire

Chiefs in the involved cities are supportive of this effort and all are unsure of what the study may determine is the best course of action is. He stated that if we can do something that provides better fire and health services to our residents and save taxpayer dollars, we need to consider it.

3) Received a letter from Clerk of Council Warren Blakely notifying Council that the office staff will again be reduced by one third and request's Council's Administrative Committee take action on the proposal currently in committee of the reactivation of the Clerical Aide position
President Butkowski: I will refer that letter to the Administrative Committee.

4) Received a letter from Auditor of State, Mary Taylor, in regard to their audit report of the financial statements of the City in accordance with Government Auditing Standards as of and for the year ended December 31, 2008.

President Butkowski: Also, last meeting you received notification of work being completed in Waterbury and I would like to make a motion to refer to the Law Director the memos from the Engineer we received at the July 6 meeting concerning the completion of work for Jordon Place Subdivision.

Council Member Corcoran: Point of Order, these aren't on the agenda, are they?

President Butkowski: No, they aren't.

Council Member Corcoran: Don't you have to make a motion to then get them on the agenda?

President Butkowski: Yes, a motion would have to be made to put them on the agenda for correspondence cause we have to take a motion to put these on. I'll make a motion to put the memos that we received at the July 6 meeting regarding Waterbury, the three memos back on the agenda so that we can refer them.

Law Director Crites: If I may? Is it necessary that they appear on the agenda for them to be referred to me for my review? That's what I'm trying to figure out.

President Butkowski: That's my question to you. I didn't think it was. I'm just referring them over to you to draw up the legislation.

Law Director Crites: I would think that it would be sufficient just to send them to me. I don't believe it has to happen in an open meeting.

President Butkowski: Well then I'm going to send them to you because we need the legislation because the work has been completed and I did not refer them to you at the last meeting or to the Building and Lands Committee which they can't do anything about it anyway.

Law Director Crites: That would be fine. That's the first I've ever heard of it.

President Butkowski: Well I'm referring these to you. It's for work that has been completed per the Engineer on Jordon Place Subdivision at Waterbury. The Waterbury Subdivision Phase 3 and Waterbury Subdivision Phase 3B.

Law Director Crites: I can ask Mr. Griffith, you're aware of what this is about. We just need the final accepting legislation?

Council Member Griffith: Yes, per our ordinances.

President Butkowski: Yes, he submitted those at the last meeting.

Mayor Gillock: Madam President, in regards to the number four, the letter from the Auditor of State, Mary Taylor, in regards to their Audit Report, I would just like to make sure that everyone knows that the Audit Report and Mr. Costin could expand if he wants, came back without any findings or anything. The Audit was very good as it normally is. Their department does a great job but, just to say we got the report doesn't really tell you so. We got a good report. You want to add anything to that, Mr. Costin?

Auditor Costin: Typically a city of our size will have citations. The City again has had no citations, no findings so, as the Mayor has indicated it's considered really an excellent report and it goes beyond the Auditor's office. Its any of the departments that deal with finances that are following the code and the City Council and Administration should be very proud of all of the employees that deal with finances within the City that try their hardest to comply with all the state laws, regulations, and City Charter.

President Butkowski: Congratulations Mr. Costin to a job well done again. We'll move on. We have no Old Business tonight.

OLD BUSINESS: None

NEW BUSINESS:

Clerk of Council Blakely

T 70-2009 A RESOLUTION ALLOWING THE MAYOR TO APPLY FOR MAJOR NEW (TRAC) FUNDING THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO WIDEN CENTER RIDGE ROAD.

moved by Boose, seconded by Olesen to suspend By-Laws to allow a first reading this evening

President Butkowski: Do we have any discussion?

Council Member Boose: Madam President, this application needs to be to ODOT by August 1 and since we will be meeting after that, it needs to go on the agenda under first readings this evening and hopefully pass with the emergency because of that deadline.

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

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

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

T 71-2009 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO THE CITY OF WESTLAKE FOR CENTRAL DISPATCH SECOND QUARTER FEES IN THE AMOUNT OF \$39,676.50.

Auditor Costin: Madam Chairman, I would request that the Council consider passing this tonight so we can get it paid since we don't meet again until September. It has been appropriated.

Again, it was just a technical oversight by one of our department heads to who admitted preparing the purchase order, but we do owe the money; it is appropriated; we do have an agreement to pay them and I recommend that Council consider suspending rules to have this receive its first reading and consider passing it this evening.

moved by McLaughlin, seconded by Boose to suspend By-Laws to give this a first reading
President Butkowski: Do we have 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 72-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ENTER INTO A CONTRACT FOR THE PURCHASE OF PARTS AND THE EMERGENCY REPAIR OF THE ULTRAVIOLET DISINFECTION SYSTEM AT THE FRENCH CREEK WASTE WATER TREATMENT PLANT WITHOUT FORMAL BIDDING AS A RESULT OF AN EMERGENCY SITUATION ARISING IN CONNECTION WITH THE OPERATION OF A MUNICIPALLY OWNED UTILITY IN AN AMOUNT NOT TO EXCEED \$28,000.00.

moved by Olesen, seconded by Corcoran to suspend By-Laws to give this a first reading tonight

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

Yes, 7 No, 0

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

RECESS:

moved by Boose, seconded by Buescher to suspend recess

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

Yes, 7 No, 0

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

President Butkowski: We'll move into our first reading. We have T 41.

FIRST READINGS:

Clerk of Council Blakely:

T 41-2009 AN ORDINANCE AMENDING NRCO SECTION 1056 CONSTRUCTION SITE SOIL EROSION, SEDIMENT, STORM WATER QUALITY CONTROLS AND REGULATIONS BY UPDATING THE REFERENCES TO THE OHIO EPA PERMITS GOVERNING THIS MATTER.

First Reading

T 65-2009 AN ORDINANCE AMENDING NRCO SECTION 1044.02 CONNECTION
4672-2009 CHARGES TO MODIFY THE METHOD OF CALCULATING SANITARY
SEWER CONNECTION FEES TO BE BASED ON WATER METER SIZE.

First Reading

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

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

Yes, 7 No, 0

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

moved by Olesen, seconded by Corcoran to adopt

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

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero and becomes ordinance number 4672-2009.

Permanent Ordinance No. 4672-2009

T 68-2009 AN ORDINANCE AMENDING ORDINANCE NO. 4667-2009 BY
4673-2009 INCREASING THE YEARLY EXPENDITURE FOR PROFESSIONAL
METERING SERVICES RENDERED BY MARSH-MCBIRNEY, INC. FROM
\$80,000.00 TO \$125,000.00.

First Reading

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

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

Yes, 7 No, 0

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

moved by Olesen, seconded by Corcoran to adopt

President Butkowski: Do we have 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 ordinance number 4673-2009.

Permanent Ordinance No. 4673-2009

T 70-2009 A RESOLUTION ALLOWING THE MAYOR TO APPLY FOR MAJOR NEW
1167-2009 (TRAC) FUNDING THROUGH THE OHIO DEPARTMENT OF
TRANSPORTATION (ODOT) TO WIDEN CENTER RIDGE ROAD.

First Reading

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

President Butkowski: Do we have any discussion? We don't have any discussion?

Council Member Olesen: Madam President, I do. I would like to ask the Mayor if we have time for this? Do we have to put an emergency on this?

Mayor Gillock: Yes, we do. We need to get this in by August 1.

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

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

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

moved by Corcoran, seconded by Boose to adopt

President Butkowski: Is there any discussion?

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

President Butkowski: Do we have any discussion on the emergency?

Mayor Gillock: Madam President, just quickly. Council may and residents may remember that we've been working on this project for a long time, the widening of Center Ridge Road and we had went to TRAC before, about two years ago. With the changes in the administration and the General Assembly, they took a look at the TRAC Committee which funds major projects; they looked at the projects they were committed to in the funding and felt that they were over committed and they put a moratorium on accepting any new applications. With the new federal stimulus they have, we believe lifted the moratorium on applications. We don't know if they have any more money yet, but they started to accept applications and ODOT district twelve contacted us and recommended that we get this application in as quickly as we can. This is still a number one priority in the City. We want to get on the TRAC tier funding list as soon as we can so, it's really imperative that we stay after this and if we can finally get some funding to do something up there, we want to move forward as soon as we can. I appreciate your support. Thank you.

President Butkowski: Thank you. Do we have any other discussion?

Council Member Boose: Madam President, question for the administration. ODOT came up with a new TRAC scoring system for this project. Do we have any idea how we're going to fall out into that scoring system?

Mayor Gillock: We don't know yet how were going to fall out. Under the old scoring system they weighted it very heavily toward the local participation, how much the local City was willing to put in of their own money and we had committed up to seven million dollars of a 31 million dollar project and of course those costs continue to increase every year if we don't get something done. Under the new scoring plan, they're giving a lot more weight toward job creation; economic development; those types of concerns. We have attempted to put things in our applications to indicate how that would affect our application. ODOT has just changed their director again and in talking to the ODOT personnel, right now nobody really knows how this is going to shake out, but the new scoring system does lean toward economic development so, we'll see.

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

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

President Butkowski: Motion was made by Corcoran and seconded by Boose to adopt with the emergency. Is there any discussion? Clerk, please call the roll.

Clerk of Council Blakely: Motion passes by a vote of six to zero with one abstention and becomes resolution number 1167-2009

Permanent Ordinance No. 1167-2009

T 71-2009 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO THE
1168-2009 CITY OF WESTLAKE FOR CENTRAL DISPATCH SECOND QUARTER
FEES IN THE AMOUNT OF \$39,676.50.

First Readings

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

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

Yes, 7 No, 0

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

moved by Boose, seconded by McLaughlin to adopt

President Butkowski: Do we have any discussion?

Council Member Boose: Madam President, just for Council's knowledge, the amount for the second quarter, just under 40,000, compares to 44,000 in the first quarter of 09 and just over 38,000 the fourth quarter of 08. Earlier in the year we had appropriated 195,000 for this line item and so we are well under budget at this point and time. Thank you.

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

Yes, 6 No, 1 (Butkowski)

Clerk of Council Blakely: Motion passes by a vote of six to one and becomes resolution number 1168-2009.

Permanent Resolution No. 1168-2009

T 72-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4674-2009 RIDGEVILLE, OHIO, TO ENTER INTO A CONTRACT FOR THE
PURCHASE OF PARTS AND THE EMERGENCY REPAIR OF THE
ULTRAVIOLET DISINFECTION SYSTEM AT THE FRENCH CREEK
WASTE WATER TREATMENT PLANT WITHOUT FORMAL BIDDING AS
A RESULT OF AN EMERGENCY SITUATION ARISING IN CONNECTION
WITH THE OPERATION OF A MUNICIPALLY OWNED UTILITY IN AN
AMOUNT NOT TO EXCEED \$28,000.00.

First Reading

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

President Butkowski: Do we have any discussion?

Council Member McLaughlin: Right here, Madam President. I would just like to ask the administration if they can explain to me what without formal bidding means?

Safety Service Director Johnson: Basically what this is, it's a proprietary system, the UB system. It's not operating to full capacity right now. Basically, it's a bottleneck in the plant. It is operating but, not to full capacity. The parts needed have to be bought from a certain manufacture; I don't know the name off the top of my head, and bought through the only license distributor for this area. It would make no sense to bid. We have to buy this piece of equipment from this distributor in order to get this equipment back up.

Council Member McLaughlin: Are they doing the installation on it or is that something that the plant does?

President Butkowski: Maybe, the Law Director can explain it.

Law Director Crites: If I may interject. I wasn't going to comment on that, Mr. McLaughlin. What this is, is an exemption or exception to the requisite of public bidding. Anything that the municipality buys or any service that we contract for over 25,000 has to go out to open bidding. There's certain exceptions laid out in the general Ohio law and as well in our Charter, specifically. In this specific exception in this case is an emergency situation dealing with the public utility. There's also the separate character of the situation that what we need to purchase, it is only supplied by one vendor. Even if you took that aside, because this is something that we need to get in place quickly, or else possibly put in contaminated effluent into the water. In the state of Ohio, it falls under the exception; therefore, it doesn't have to be bid being over the 25,000. Second question, who's doing the actual construction? I will defer back to our Safety Service Director.

Safety Service Director Johnson: I'm not sure.

Law Director Crites: My understanding it was just something that had to be replaced that just comes in and we put it back.

Safety Service Director Johnson: The actual service may be by the distributor or by French Creek personnel. I'm not sure which.

Mayor Gillock: But the ordinance refers to emergency repairs so, the fact that its under emergency repairs, the same logic would follow that we don't have two much time to go out for bids to hire a contractor to make the installation. I would think that goes right along with the part. You buy the part from the sole distributor and have them put it in.

Law Director Crites: Yes, from my conversations with the assistant superintendent of the Waste Water Treatment Plant, that was, as I recall, the nature of the situation that this one firm had the part and was going to do the installation and be done with it. This is a one price deal.

Council Member McLaughlin: I understand. I guess my whole reason of asking is that, in all honesty, if we're going to do something, if you have a problem at you house, the more bids you get the more you can save. I understand the explanation. Thank you.

President Butkowski: Is there any other discussion?

Council Member Boose: Madam President, have funds been appropriated for this?

Auditor Costin: The funds would be taken out of another contingency line item and re

appropriated when it is passed. Also, there are moneys available in a repairs and maintenance line item that have not been used. So we can do either of the two. The moneys would be available.

President Butkowski: Any other discussion? Clerk, please call the roll on this suspension.

Yes, 7 No, 0

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

 moved by Olesen, seconded by Corcoran to add the emergency due to the nature of the repairs that this has to be fixed

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

Yes, 7 No, 0

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

President Butkowski: Motion was made by Olesen and seconded by Corcoran to adopt with the emergency. Do we have 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 ordinance number 4674-2009.

 Permanent Ordinance No. 4674-2009

SECOND READINGS: None

President Butkowski: We have no Second Readings tonight and we will move on to the Third Readings which is T 60.

THIRD READINGS:

Clerk of Council Blakely:

T 60-2009 AN ORDINANCE APPROVING THE FINAL PLAT OF PIONEER RIDGE,
4675-2009 PHASE 7, IN WATERBURY PCD FOR RECORDING PURPOSES ONLY.

 Third Reading

 moved by Olesen, seconded by Corcoran to adopt

President Butkowski: Do we have 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 ordinance number 4675-2009.

 Permanent Ordinance No. 4675-2009

COMMITTEE MEETING ANNOUNCEMENTS:

Next Regular Council Meeting is Tuesday, September 8, 2009 at 7:30 P.M. in Council Chambers.

ADJOURNMENT:

moved by Jaenke to adjourn

Meeting adjourned at 8:18 P.M.

Approval of Minutes:

MOTION Corcoran 2ND McLaughlin DATE September 8, 2009

YES 7 NO 0 ABSTAIN 0