

**NORTH RIDGEVILLE MUNICIPAL COUNCIL  
MINUTES OF  
REGULAR MEETING      OCTOBER 5, 2009**

**CALL TO ORDER:** 7:30 P.M.

President Bernadine Butkowski: I call to order the North Ridgeville City Council meeting of Monday, October 5, 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.

President Butkowski: Before we get started, I just want to make an announcement. The AAA gave an honor to our Police Department, our Safety-Service Department. It was a Gold Award and it was awarded recently for work well done. We will move on to our Minutes.

**MINUTES - Corrections (if any) and Approval:**

President Butkowski: Council Minutes of regular meeting held September 21, 2009.  
moved by Olesen, seconded by Corcoran to approve

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

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

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

President Butkowski: Please note the:

Civil Service Commission Minutes of September 15, 2009;

Park and Recreation Commission Minutes of August 26, 2009 and

Board of Zoning and Building Appeals Minutes of September 24, 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. This 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 that would like to speak tonight?

1) Paul Papes of 5240 Lear Nagle Road asked how much, every month financially, the patrol cars are costing the taxpayers. He also asked who changed the Lobby Session to the way it is now. He spoke his dissatisfaction on his road situation with the truck traffic.

Council Member Olesen: Madame President, I think that's a little bit out of order.

Mr. Papes: You think? If you're not doing your job, I think I have a right to tell you you're not doing your job and I'm going to do that.

President Butkowski: Mr. Papes, if you're going to say anything, please don't have any innuendoes.

Mr. Papes: That's not innuendoes. It's a pure fact; take it to the bank. Put it in the paper or whatever it be. It is a do-nothing process for four years. I come up here at the podium and I'm on four liters, five liters of oxygen. Thank you.

President Butkowski: Is there anyone else who would like to speak tonight?

2) Bob Slovak of 7145 Case Road addressed the issue of street addresses noting that he goes up and down Center Ridge and he still can't tell what the addresses are. He pointed out a business who does not have a visible address.

Council Member Buescher: Madame President, if I could make a comment. We do have requirements to have numbers on buildings and that needs to be enforced. Thank you.

President Butkowski: It's for everyone's safety to have their address known because the Police and Fire have to find you and if you're a business, we all have to find you or you hope we all find you. It would be to everybody's best interest to get their address out. Mr. Gillock, doesn't the Fire Department still sell those green address labels?

Mayor Gillock: Yes. As we mentioned a couple of meetings ago, you can go to the Fire Department for about ten dollars and purchase a green reflective metal number that is very simple to install. You can either get it in horizontal fashion or vertically. That really helps them to be able to locate a house or business. They are the right size and reflective. Our ordinances do require that the addresses, I believe, be posted and that's the best way to do it. That's what they're looking for and they can see it real easy. Just stop at the number one Fire House on Route 83 and they will be glad to work with you on that. Thank you.

Council Member Buescher: Madame President, in addition, the numbers are required on buildings also.

President Butkowski: I think we do have an ordinance that does require and we do have a set size that they are and it's in everybody's best interest to have their address out there. You drive down the street and see if you can find your house and your address at night. Check it out.

Mayor Gillock: The only thing that I would add to that, Madame President, enforcement of that

would be by our Zoning Official. We have one and he's really busy and actually, he's off on sick leave right now so, a matter of priorities, it sometimes falls below other things of more importance so, that's why that isn't enforced as strongly as we like but, with one man, there's only so much you can do. Thank you.

President Butkowski: I think it would be in the best interest of a business to have their number out there if they want to be successful. Is there anyone else that would like to speak tonight? If you have to speak, it must be on a different topic. That's our Council rules.

3) Paul Papes of 5240 Lear Nagle Road spoke about the great response on Cook Road about the foul-smelling water. He explained that he has the same problem and has had someone out on a few occasions. He spoke about his and neighbors water pressure problems noting that his whole house water sediment filter has loaded up twice this year. He explained his call to the EPA and stated that they will come out and check it.

President Butkowski: Is there anyone else who would like to speak tonight? Seeing none, we will move on to the Administrators Reports, Mayor Gillock.

#### **ADMINISTRATORS REPORTS:**

##### **A. Mayor:**

Mayor Gillock: Thank you, Madame President. Although we have mentioned our water meter replacement project before, it's now becoming a reality and it's important that our residents and Council people know what is happening; why it's happening and when it will take place. A little background, early 2008 it became painfully clear that we needed to address the water meters in the homes of our residents. These meters were installed up to ten years before. The batteries that allow these meters to send a message to our meter readers, as they drive by the homes, were dying and would need to be replaced. We were looking at an extensive program requiring us to try and contact over 11,000 homes and arrange an appointment when we could get in and replace the batteries. In researching the replacement modules, we found that we could replace the batteries and modules with a newer module that will last up to 20 years. We could also make them wireless meaning that we would no longer have to physically read the meters; nor drive by to read them but, they can be linked to a City Hall computer that will give us instantaneous readings and read the meter four times a day rather than once a month. We can now detect leaks, help people move in and out more easily and more accurately track water usage. After bidding the project, Badger Meter Incorporated was the low bidder and subcontracted the installation to Professional Meters Incorporated to do the actual installation. This will involve entering every residence in North Ridgeville and replacing the existing module. In a few cases, they will have to replace the entire water meter. PMI, Professional Meters, Inc., installers will wear yellow shirts with a PMI logo and have a City issued ID card and drive PMI identifiable vehicles. Still,

if you have questions, please call our Utility Department at 353-0840 to confirm the identity of an installer. Again, that's 353-0840. Full scale implementation will begin around October 23, right around the time you will receive the community newsletter. They have actually started on the project this week with locating the four poles that are going up and putting those together. A few weeks prior to updating your meter, you will receive a postcard from PMI asking you to call them to set up an appointment, at your convenience, to update your meter. We ask for your cooperation in completing this major project and updating the water supply system in North Ridgeville. This not only addresses the issue of replacing the batteries but, makes our system more reliable and efficient. Again, if you have any questions, don't hesitate to call us at 353-0840. They told us that they're going to begin in the northwest section of the City and work around in a circle in a clockwise direction and it will take six to eight months to do all of this.

A couple of other quick items, a couple of meetings ago, we came to Council requesting approximately 4,000 dollars to help us with some cameras to address vandalism issues in South Central Park. Those cameras were installed and several individuals have already been caught and will be prosecuted. So, let it be known that those cameras are there and I think I made it clear when we discussed it that evening, that the cameras would be put in and they are working.

Lastly, I will mention, again, that Halloween will be celebrated this year on October 31 from 6:00 P.M. to 7:30 P.M. in conjunction with several other members of the Lorain County Community Alliance. That's Saturday, October 31, 6 to 7:30. Thank you, Madam President.

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

**B.      Safety-Service Director:**

Safety-Service Director Johnson: Thank you, Madam President. I'd like to ask for assistance from the viewing audience tonight. Our community has thousands of street lights maintained by Ohio Edison and billed to the City. We want all these lights working for the safety and security of our residents but, we can't be everywhere. If you know of a street light that is not working properly, either on or off all the time, cycling on and off or physically broken, please call Ohio Edison to report it at 800-633-4766. They will need a nearby address of the light and a brief description of the problem. You can also report the problem online by visiting the City web site at [www.nridgeville.org](http://www.nridgeville.org). Ohio Edison is listed on our links' page. Click on report an outage, then click report a streetlight outage and fill out the form or simply call City Hall with the address of the light and we'll take care of it.

I'd like to address a concern Mr. Papes brought up earlier that the City has done nothing about the traffic on Lear Nagle. I'd like to point out that we did put up No Truck signs that direct trucks east and west on Center Ridge Road some time ago. The Police have put the Stealth-Stat equipment out there, the electronic measuring device that measures traffic. The 85 percentile,

which is the rule of thumb for traffic flow, is within the 35 miles an hour speed limit. Again, I gave Mr. Papes a list of different stops that the Police have done on both truck traffic and speeding car traffic. North Lear Nagle does get, probably, more than its share of Police presence out there. I just want to stick up for my Police Department. That concludes my report.  
President Butkowski: Thank you, Mr. Johnson. Moving on to the Engineer, Mr. Griffith.

**C.      Engineer:**

Engineer Griffith: Thank you, Madame President. I am sorry to announce that the Lorain County Waste Solid Management has canceled the remaining hazardous waste collection events that are scheduled for 2009. However, very shortly and very soon I hope, they will be opening a new county hazardous waste and recycling collection center that will be open year round. This means that you will not have to wait for a special day event but you can take your hazardous and recyclable materials to the new center year round. As soon as I find out, the new center is ready to open, I will let you know. That concludes my report this evening. Thank you.  
President Butkowski: Thank you, Mr. Griffith. Our Auditor, Mr. Costin.

**D.      Auditor:**

Auditor Costin: Thank you, Madam President. No report scheduled for this evening.  
President Butkowski: Thank you.

**E.      Other Reports:**

President Butkowski:  
Police Department Support Car Report for August 2009 and  
Building Department Report for August 2009.

**COUNCIL COMMITTEE REPORTS:**

President Butkowski: Clerk, please read the reports.

Clerk of Council Blakely:

1)      BUILDING AND LANDS COMMITTEE REPORT #6530 dated September 21, 2009:  
Members of Council: We have considered the matter of T 85-2009, an ordinance amending NRCO Chapter 1444, Building Permits and Fees, by establishing deposit fees for re-inspections, and adjusting various fees to reflect current costs and recommend that this request be approved and legislation be adopted.

Signed: Member Ray McLaughlin and Chairperson Nancy Buescher.  
          moved by Buescher, seconded by McLaughlin 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.

Council Member Buescher: Madam President, revised T 53-2009, an ordinance creating a new NRCO section entitled Tree Planting Plan Requirements, as presented by the Law Director, has gone beyond the 60-day limit for referred legislation to remain in Committee.

    moved by Buescher, seconded by Olesen to permit the Building and Lands Committee Meeting Report of September 21 to be entered into the record and read at this meeting by the Clerk of Council

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: Clerk, could you please report number 6531.

Clerk of Council Blakely:

2) BUILDING AND LANDS COMMITTEE REPORT #6531 dated September 21, 2009:  
Members of Council: We have considered the matter of T 53-2009 Revised, an ordinance creating a new NRCO section entitled Tree Planting Plan Requirements and recommend that T 53-2009 as presented by the Law Director be adopted with the typographical error corrected.  
Signed: Member Ray McLaughlin and Chairperson Nancy Buescher.

    moved by Buescher, seconded by McLaughlin 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:

Received a letter from Michael E. Challendar, Sustainability Coordinator, GLIDE/Lorain County growth Partnership inviting Officials to a meeting regarding renewable energy and to discuss legislation that will protect property owners while encouraging growth in a relatively new industry in Lorain County. This meeting will be held October 14th at 9:00 A.M. on the 4th floor of the Lorain County Administration Building.

**OLD BUSINESS:**

President Butkowski: We have no old business for tonight.

**NEW BUSINESS:**

President Butkowski:

Request for a new D4 liquor permit for AL Post 0717 North Eaton, American Legion, Post 717, 8820 Bender Road

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

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.

Request for D5 liquor permit transfer from Thomas E. Hampton, DBA Toms Place, 39462 Center Ridge Road, Upper Level Only to Entertainment Enterprises Inc., DBA Crissys Lounge, same address.

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

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 93-2009    AN ORDINANCE AMENDING NRCO SECTION 1290.05, PERMIT APPROVAL; CONSTRUCTION REQUIREMENTS

President Butkowski: I will refer that to Building and Lands.

Mayor Gillock: Madam President, this amends section 1290, which I believe is the Building and Housing Code. I think this also has to go to Planning Commission also. I am asking.

President Butkowski: You are right, it does. It will have to go to Planning also.

Council Member McLaughlin: Why?

President Butkowski: Because it refers to streets.

T 94-2009    AN ORDINANCE AMENDING NRCO SECTION 1030.12, DUTIES OF PRIVATE OWNERS

President Butkowski: I will refer that to Building and Lands. This one doesn't need Planning review.

T 95-2009    AN ORDINANCE AMENDING NRCO SECTION 1046.08, DELINQUENT ACCOUNTS; DISCONTINUANCE OF SERVICE, AND ADDING AN EXCEPTION TO DISCONTINUANCE OF SERVICE

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

Council Member Boose: Madam President, earlier this year we had approved in appropriations the Lorain Road project phase three understanding that at some point we would need to issue BANs in order to pay for that.

    moved by Boose, seconded by Buescher to authorize the preparation of BANs legislation for the City's portion of the Lorain Road Project, Phase Three A in the amount of \$500,000

President Butkowski: Do we have any discussion?

Council Member Boose: Madam President, just as clarification that what we will do upon this then is, we will then come to Council at our next meeting with legislation available for us to review and hopefully approve that will authorize the issuance of BANs so that we can pay for this project. Mr. Costin, do you have anything else to add?

Auditor Costin: That is exactly correct. With verbal passage tonight, the legislation will be on it's first reading. You won't be required to suspend your rules. I would request that it be passed then with the emergency so that the BANs can be committed and we can get the project underway, since, I believe it has been recently bid. What we are trying to do is expedite the issuance of the BANs to simplify it so that they can go on with the project that was included in appropriations. That is correct.

Council Member Boose: So again, at our next meeting, we will have the legislation before us that you are suggesting we pass with the emergency to get the ball rolling.

Auditor Costin: That would be my request at the next meeting. Yes.

President Butkowski: Is there any other discussion? This will just classify it as new business.

Council Member McLaughlin: You just fired off the one with the utilities and I was wondering what this had to do with it, but I have it under control now.

President Butkowski: Is there any other discussion? No other discussion? This will be as new business and that is all. 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 Olesen, seconded by Jaenke to dispense with recess

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

    Yes, 7            No, 0

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

**FIRST READINGS:**

President Butkowski: We have no first readings so we will go into second readings, T 67.

**SECOND READINGS:**

Clerk of Council Blakely:

T 67-2009     AN ORDINANCE AMENDING NRCO 1056 CONSTRUCTION SITE SOIL EROSION, SEDIMENT, STORM WATER RUNOFF AND STORM WATER QUALITY CONTROLS AND REGULATIONS BY INCLUDING THE NEW REQUIREMENTS CONTAINED IN THE OHIO EPA PERMIT REVISED APRIL 21, 2008.  
Second Reading

T 83-2009     AN ORDINANCE ACCEPTING CERTAIN STREETS/ IMPROVEMENTS LOCATED IN WATERBURY SUBDIVISION PHASES NO. 3A AND 3B AND DEDICATING THEM FOR PUBLIC PURPOSES.  
Second Reading

T 84-2009     AN ORDINANCE ACCEPTING CERTAIN STREETS/ IMPROVEMENTS LOCATED IN JORDAN PLACE SUBDIVISION AT WATERBURY AND DEDICATING THEM FOR PUBLIC PURPOSES.  
Second Reading

President Butkowski: You all received a substitution for T 88, so we need a motion to amend by substitution.

                  moved by Buescher, seconded by Corcoran to amend T 88 by substitution

President Butkowski: Is there any discussion?

Law Director Crites: I'll answer any questions, otherwise, I think it speaks for itself.

Council Member Boose: Madam President, I have a question. Just so that I understand, we are replacing what we had last time, which includes the agreement, Exhibit A with the only Exhibit A now, which is just one piece of paper. Correct?

Law Director Crites: Correct. Briefly, at the risk of being long winded, I'll simply state that as for the Police and Fire; what you saw previously was an ordinance authorizing the Mayor to enter into an agreement to extend that contract for a year and then attach the previous contract. What you see before you now, fits the bill better for both Police and Fire, is an ordinance authorizing the Mayor to enter into an agreement to extend the existing contract, with attached to it, the actual agreement to extend the contract for a year. Does that make sense?

Council Member Boose: Yes, it does. Again, to the Law Director, I know you ~~right~~ write this in a way that makes it legal, but sometimes it is confusing and the last paragraph is confusing to me. It says, any schedule, wage rate, benefit, or other term within the extended one year agreement, which does not appear in language specifically correlating to a date, which, again we spoke last time, that there was nothing specifically mentioned for wages for 2010. That is what that is referencing. It says, shall be construed and interpreted to be the schedule wage rate, benefit or

other term, which was in effect on December 31, 2009, which is still today. I still don't see where it references any wages, wage rate or lack thereof or no change for 2010. I don't see where this references 2010 wages.

Law Director Crites: I don't understand your question.

Council Member Boose: What we heard at the last meeting was that the . . .

Law Director Crites: Maybe, if I explained this in simplest terms and throw it out there and if this works for you, it may solve the question in your mind. What this truncated one page agreement purports to do is plain simply freeze in time all the benefits granted under two collective bargaining agreements. It is the same agreement for Police and Fire as it was and as it is now and as it will be on December 31 of this year when the current collective bargaining agreement expires. The essence of the agreement is that there is going to be no wage increases. It is a wage freeze. What the agreement doesn't do is say that if a Police Officer works x hours, he gets overtime or if a Fireman has this much tenure he gets paid longevity. So, what I wanted to be sure or at least attempt to do was while stating that there is a freeze in wages, all other terms in the agreement, which relate to matters of compensation, which would be a benefit, which exists now and will exist on December 31, 2009 are not frozen and remain alive and in effect whether or not it reads that way.

Council Member Boose: Again, it may be legal; again, that is what my understanding was is that the unions have agreed to have the wages in 2010 the same as 2009 understanding that they would still receive their longevity pay. I think the Police also receive, if they do so many pushups and sit ups, they get a bonus and things like that. So there may be some extra monies to the budget next year for those sorts of things, but wages are frozen.

Mayor Gillock: Madam President, we are just a little bit off track when we call it a wage freeze. In the contracts, there are elements that, as Mr. Boose says, at certain points that they may get an increase because of longevity or doing so many push ups, or whatever. Those remain in there. If we took those out, that would be a concession that would change the contract. We are not changing the contract. The only thing we are saying is that there will be no across the board salary increase. In the last contract we did three percent, three percent and three percent. In the contract before that we had no increase the first year then, we had a three percent in January the second year and in July, then three percent the last year. We are extending it one year with no three percent, no two percent and no increase of any kind across the board to everybody in these contracts. The other things that are in the contract remain in there. The contract is frozen with no across the board wage increase.

Law Director Crites: In that final paragraph, the simplest way to put it is, if this current active contract, which is going to be extended for a year, unless it provides for some kind of compensation benefit that is agreed to and active right now, in the literal language of the contract, then the benefit; if there is any question or issue, is going to be as they are entitled to receive under this contract.

Council Member Boose: Again, I just wanted it for the record because when I read it, it doesn't read that way and so, what we are saying is, is that even though there is nothing in the contract

that defines wages in 2010; because we are extending this one year, you're saying that even though it doesn't say anything about 2010, they are going to get the same wages as 2009. Safety-Service Director Johnson: Madam President, I would say that because it doesn't address it, it means that there is no increase. It is a zero percent increase for wages. Just the fact that it is not dealt with, means that nothing is there.

Council Member Boose: Just want that for the record. Thank you.

President Butkowski: Is there any other discussion? Please call the roll on the substitution for T 88.

Yes, 7      No, 0

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

T 88-2009      AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH  
SUBSTITUTE      RIDGEVILLE, OHIO, TO ENTER INTO A CONTRACT WITH THE  
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 2129,  
AFL-CIO  
First Reading

moved by Boose, seconded by Buescher to amend T 89 by substitution

President Butkowski: Do we have any discussion on the T 89 substitute? Clerk, please call the roll.

Yes, 7      No, 0

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

T 89-2009      AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH  
SUBSTITUTE      RIDGEVILLE, OHIO, TO ENTER INTO A CONTRACT WITH THE  
FRATERNAL ORDER OF POLICE, LODGE NO. 25, NORTH RIDGEVILLE  
DIVISION, NON-SWORN, PATROLMEN, AND PROMOTED UNITS.  
First Reading

T 90-2009      AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH  
RIDGEVILLE, OHIO, TO ENTER INTO A CONTRACT WITH THE  
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL  
EMPLOYEES, AFL-CIO  
Second Reading

President Butkowski: We'll move on to our third readings. We have T 75.

**THIRD READINGS:**

Clerk of Council Blakely:

T 75-2009      AN ORDINANCE APPROVING THE FINAL PLAT OF WINDSOR POINT  
4685-2009      SUBDIVISION NUMBER 5 FOR RECORDING PURPOSES ONLY AND  
                         RENUMBERING PREVIOUS WINDSOR POINT PHASES TO CONFORM TO  
                         THE COUNTY RECORDER'S NUMBERING SYSTEM.

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 4685-2009.

Permanent Ordinance No. 4685-2009

Mayor Gillock: Madam President, before you wrap up this meeting with the final announcements, I would like to take just a quick moment of personal privilege if I might and introduce this young lady here as my sister, Jackie Thomas, who is visiting from Illinois for my daughter's wedding this weekend.

President Butkowski: Welcome and thank you for attending tonight.

**COMMITTEE MEETING ANNOUNCEMENTS:**

President Butkowski:

Next Regular Council Meeting Monday, October 19, 2009 at 7:30 P.M. in Council Chambers.

**ADJOURNMENT:**

moved by Jaenke to adjourn

Meeting adjourned at 8:12 P.M.

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Approval of Minutes as correct:

MOTION     Olesen     2ND     Corcoran     DATE     October 19, 2009    

YES     7     NO     0     ABSTAIN     0