

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING OCTOBER 19, 2009**

CALL TO ORDER: 7:30 P.M.

President Bernadine Butkowski: I call to order the North Ridgeville City Council meeting of Monday, October 19, 2009. Tonight, we will have Cub Scout Pack 140 leading us in the Pledge after our Invocation. Please stand.

INVOCATION: lead by President Butkowski.

PLEDGE OF ALLEGIANCE: by all as lead by Cub Scout Pack 140.

ROLL CALL:

Present were Council Members Nancy Buescher, Dennis Boose, Richard Jaenke, Bob Olesen, Kevin Corcoran, Ray McLaughlin and President Bernadine Butkowski.

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

MINUTES - Corrections (if any) and Approval:

President Butkowski: Council Minutes of regular meeting held October 5, 2009.

moved by Olesen, seconded by Corcoran to approve

President Butkowski: Do we have any corrections?

Council Member Boose: Madam President, on page nine; sixth line from the bottom; where it quotes me in the second sentence, instead of reading: Again, to the Law Director, I know you right this in a way; spelled r-i-g-h-t. That should be the spelling for writing, handwriting.

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

Yes, 7 No, 0

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

President Butkowski: Please note:

Planning Commission Minutes of regular meeting October 13, 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. We will have no

interaction tonight. All questions will be answered after the meeting. You will have three minutes to address Council. Is there anyone that would like to speak tonight?

1) Andy Young of 35290 Elder Street spoke regarding the Master Plan noting the number of members, the number of meetings and the number of hours that was volunteered to create this Master Plan. He expressed his disappointment, on behalf of the Master Plan Committee, in Council as the Committee of the Whole and its' failure to act on this matter. He recommended that Council pass, by emergency, this resolution as there is nothing more emergency based than our future and the future is now.

President Butkowski: Is there anyone else that would like to come up here and speak?

2) Russ Friedrich of 5719 Firecrest Circle spoke, noting that he is a Master Plan Committee Member and expressed his disappointment in Council in not acting before this meeting. He noted that thousands of dollars were allocated to have the Master Plan done and for Council to turn around and do nothing shows irresponsibility.

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

3) Keith Jenkins of 8852 Harris Drive spoke regarding the school levies and their importance in this community. He requested Council review the website that provides more information on those levies and asked for their endorsement.

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

 moved by Butkowski, seconded by Buescher to adjourn to Executive Session to discuss personnel and property issues

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 adjourned into Executive Session at 7:52 P.M.

Council reconvened from Executive Session at 8:20 P.M.

President Butkowski: We will resume our meeting beginning with our Administrators Reports. Mr. Gillock?

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you, Madam Chairman. I have a number of items this evening to bring to your attention. First, the water meter project is underway. You should be, at some time, getting

a postcard like this. This is mine. I was one of the first ones to have it done at eight o'clock this morning. Actually, the window is from eight to ten. They called me last week. We set up the appointment. They showed up during that window of time and it took them about five minutes and they were gone. So, please, remember this and we will get all of this done over the next year.

The second item I have is just a reminder, I might say. The Lorain County Sheriff's Office has a program called Operation Medicine Cabinet that is being held this Saturday. They are accepting drugs and prescriptions that are outdated or unwanted. You can drop those off at our Police Station this Saturday from 9:00 A.M. to 3:00 P.M. No needles can be accepted but, this is being done at all Police Stations throughout Lorain County. It is an opportunity to get rid of a lot of those old outdated and unwanted prescription medicines without putting them in our storm water.

Another quick note on a subject we discussed over the last several months regarding the Summit Ken-Tool abatement project, Ee did receive our 10,000 dollar payment from Ken-Tool and the school has received their check for 30,000. That takes care of this year and we will get next year's as scheduled.

There was a question asked about our support car program. This comes up from time to time and I contacted our Police Chief and asked him to give me an update, just a little bit, on our support car program. I'm going to highlight his response because it is quite detailed. The support car program has been in existence for more than two decades; more than 20 years. Under our Administration; through a program of attrition, we have been limiting the number of cars that can be driven out of the City. We don't allow new cops, when they hire on; if they live out of the City, to have a car. Cops that do live outside of the City; if they move in and if they move back out, they can't have it. We want the ones that are in town to have them. It is good to have those cars out there. There are 26 members out of our 38 who participate in the program. Those that are outside the City, the numbers are 16; that doesn't include unmarked cars. There are some unmarked cars in there and most of those are in the City, but we are down to only 16 taking cars home that live outside of the City. Those that do pay 25 cents a mile to use those vehicles. So, we take in about 1,000 dollars per month in funds for personal usage. They average 14 stops per month per car. In going to and from work the Officer's average 14 off-duty enforcement assists in backup situations per month. The vast majority of that is by those that live outside of the City. One of the main benefits, according to the Police Chief, is that the public's feeling of seeing the police cars everywhere really helps a lot. There is no way to calculate the amount of crime that is prevented by the mere presence of those units; not to mention the value in the feeling of safety and security. Response times are limited because they are out there. One of the key points that really speaks to the financial issue is that when we use the support car program; because each Officer has his own car, they often spend, sometimes exceeding over 1,000 dollars, equipping those cars the way they want them and a car typically will last seven years. If we were doing a

fleet car program, those cars won't last two years. We do get longer life out of our cars. Also, there are Officers, such as the Evidence Technicians and the Technical Traffic Crash Investigators who have specialized equipment which are in those cars. So, they need to have those cars all the time. Our canine units are also set up. So, the program really does well. In the long run, it really does save us money. The last item I would mention about it is just the moral with our drivers that when they have their own car they don't have to reconfigure it every time they get in and out of it and it really means a lot and they do take really good care of the car. We think it is an outstanding program that has worked well for us and we are getting it where it will only be in town.

The next item I wanted to mention was just to remind everyone, because we won't have another meeting between now and then, is Trick-or-Treat will be on October 31, which is Halloween day from 6:00 P.M. to 7:30 P.M.

The last item on my agenda tonight is, and you'll hear more about this later, Dennis Johnson, my Safety-Service Director for six years is officially retiring on December 11 and he is going to be sorely missed. We'll speak more to that issue in the future but, as his replacement; I've known Denny was going to retire for a long time and I've been looking for a long time for a replacement. I had a long list of names. I had several resumes. I reduced it to a small list, a short list and I made the decision that the individual I would like to hire to replace him; effective November 30, would be Jeff Armbruster who is with us tonight. Most of you know Jeff. Jeff is a former Mayor of North Ridgeville for six years and a State Senator for eight years. I feel that he has a good knowledge of finances and what goes on around here as well as excellent contacts at the state level. I just think he will do a phenomenal job trying to fill Denny's shoes.

moved by Mayor Gillock, seconded by Olesen to appoint Jeff Armbruster as Safety-Service Director effective November 30 to follow Denny Johnson

President Butkowski: Do we have any discussion?

Council Member Boose: Madam President, just as a matter of record. We were fortunate enough in appropriations earlier this year that Mr. Johnson had let us know of his intentions and City Council did appropriate funding in order to have the new Safety-Service Director, whoever that might be, spend a couple of weeks with him before he leaves so that we could have a smooth transition in so, that the new person can pick up as much as they can from that. In that, I've been made sure that there won't be any inappropriate work done between now and that time that would be construed as work that should be paid. I just want to make sure that the residents know that we did appropriate funding for this. Thank you.

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

Yes, 5 No, 0 Abstain, 2 (Buescher, McLaughlin)

Clerk of Council Blakely: Motion passes by a vote of five to zero with two abstentions.

Mayor Gillock: I would like to thank Council for their support and welcome Senator Armbruster, now Safety-Service Director, or he will be in a month or so, to our staff and look forward to working with you. That concludes my report. Thank you.

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

B. Safety-Service Director:

Safety-Service Director Johnson: I will start with a rare disagreement with Mayor Gillock. He is not going to have trouble filling my shoes. He is bringing a bigger pair. The only item I wanted to bring up tonight is the three union contracts that are on your agenda in which two of them are on second readings and I believe one is on its third reading. I would appreciate it if Council will pass them tonight; hopefully with the emergency so that we can get these things done and quench any rumors that are among the union employees about an unwillingness to go along with it. I know everyone here has expressed that but, just the fact that they have lingered around for a while does not look good. I think it's a good agreement. I think everybody agrees so, if we can get it passed tonight, I would appreciate that. One caution though, if any member has any problem with any one of the contracts, I would appreciate it if they would treat all three the same way. I would like to get all three passed at the same time at the same meeting. Thank you.

President Butkowski: Thank you. Moving on to the Engineer, Mr. Griffith.

C. Engineer:

President Butkowski: Let's first go over his reports. These are to accept streets. If there is no objection to this, I would recommend that we group them all after the Clerk reads them and we'll take one vote on accepting all of these. When we accept them, then we will get the legislation back for approval on the legislation.

 moved by Butkowski, seconded by Olesen to group all recommendations together in one group

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

 Yes, 7 No, 0

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

President Butkowski: Clerk, please read the recommendations.

Clerk of Council Blakely:

- 1) Engineer's recommendation that certain streets or portions thereof in Pioneer Ridge Phase 1 Subdivision at Waterbury receive final acceptance by Council

- 2) Engineer's recommendation that Saw Mill Drive from 69.92 feet to 619.68 feet north of Saw Mill Trace in Pioneer Ridge Phase 2 Subdivision at Waterbury receive final acceptance by Council
- 3) Engineer's recommendation that Saw Mill Drive from 97.53 south of Terrell Drive to 619.68 feet north of Saw Mill Trace in Pioneer Ridge Phase 3 Subdivision at Waterbury receive final acceptance by Council
- 4) Engineer's recommendation that Chatham Circle in Pioneer Ridge Phase 4 Subdivision at Waterbury receive final acceptance by Council
- 5) Engineer's recommendation that Belton Drive in Belton Place Subdivision at Waterbury receive final acceptance by Council

moved by Olesen, seconded by McLaughlin to accept all five recommendations

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 on all five.

President Butkowski: Mr. Griffith, can we have your report now, please?

Engineer Griffith: Thank you, Madam President. First of all, I would like to thank the Mayor for giving my report tonight because I was going to speak about Operation Medicine Cabinets. The improper disposal of medicine does have a direct affect on our storm water and the water we drink. Thank you.

President Butkowski: I believe in that statement we received it said to remove the labels from the medicine bottles.

Engineer Griffith: Yes it does. They want it to be as anonymous as possible, not only the type of medicine, any indication as to who the individual is that the medicine was intended to be used by is to be removed from there.

President Butkowski: Could they just bring it all in a plastic bag?

Engineer Griffith: Sure.

President Butkowski: It might be easier. Thank you, Mr. Griffith. Auditor Costin?

D. Auditor:

Auditor Costin: Thank you, Madam President. I have a couple of items tonight. First, of which is the passage of the September Financial Report that Council should have received.

Auditor's Written Financial Report for September 2009

member Boose, seconded by Buescher to accept the Auditor's Written Financial Report for September 2009

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.

Auditor Costin: Also, under new business, T 96 is a resolution accepting the tax rates as determined by the Budget Commission. I would request that Council consider suspending its rules and passing that by emergency tonight so that it is in effect by November 1 which is the deadline for us to accept those rates. I have reviewed the rates and they are correct.

T 99 is a resolution to approve the expenditure of funds. Again, I request that Council consider passing this tonight with the emergency. That 9,800 dollars is a repayment of monies coincident with the amount that we have received from that towing company. It has been lingering around for awhile. It just hit our office recently and I believe the prudent thing to do would be to approve this. The technicality is that we didn't have the purchase order in place, again, before the liability was incurred. The services had been performed and accepted by the City and I think that it would be right for Council to consider remedying that inadvertent error so that we can pay this promptly to this company.

Under first readings is T 97 which was discussed during our last Council meeting briefly. This is the ordinance for the issuance of 500,000 BANs relayed to the City's portion of an Issue 2 project for Lorain Road. That project has been bid and the lowest and best bid was accepted. To award that, we need to have this legislation passed and a commitment for the BANs, which I can have in the next day or so if Council chooses to pass the BANs ordinance with the emergency tonight.

With that request for T 96, 99 and 97, that completes my comments. Thank you.

Council Member Boose: Madam President, just a question of the Auditor. You are suggesting that T 97 also be passed by emergency?

Auditor Costin: Yes.

Council Member Boose: And the reason being?

Auditor Costin: The reason being is that the project would be held up otherwise. It couldn't be awarded and it couldn't start on that section of the road without legislation being passed and monies in place.

Council Member Boose: Thank you.

President Butkowski: We are moving on to other reports.

E. Other Reports:

President Butkowski:

Mayor's Court Report for September 2009;

Fire Department Report for September 2009;

Water System Operation Report for September 2009;
Police Department Support Car Report for September 2009; and
Building Department Report for September 2009.

President Butkowski: Now, we are going into Council Committee reports.

COUNCIL COMMITTEE REPORTS:

Council Member Buescher: Madam President, at the last City Council meeting we accepted the Building and Lands Report, T 53 concerning trees, but neglected to submit the report for the amendment to 1444.17, the companion located in the codified ordinances.

 moved by Buescher, seconded by Olesen to suspend the By-Laws to read the report into the record

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, please read the oral report.

Council Member Buescher: Madam President, I will be reading the report.

BUILDINGS & LANDS COMMITTEE ORAL REPORT Members of Council: We have considered the matter of the tree planting plan requirements and recommend amending NRCO Chapter 1444 Grading Plan Approval Prior to Building Permit Issuance; Seeding, Mulching; Conflicts of Laws, by adding trees to the title and to amend Section (d) by adding a provision of a date in which trees must be planted. The amendment would read as follows:

1444.17 **GRADING PLAN APPROVAL PRIOR TO BUILDING PERMIT ISSUANCE;
SEEDING; MULCHING AND TREES; CONFLICTS OF LAWS.**

(d) Within twenty-one (21) calendar days, weather permitting, after approval of the final grading, the owner will seed and mulch all bare soil and plant trees. In the meantime, appropriate methods must be utilized by the owner to control soil erosion, such as bales of straw, straw mulch or other approved methods. Upon timely request made to the City Engineer, tree planting may be postponed to a date certain, not to exceed 180 days from the date of the request if the postponement is found to be necessary to seasonal climate concerns in order to ensure and promote the viability of the tree species.

And recommend that this request be approved and legislation be drawn to add trees as stated above to the title of Chapter 1444 and planting provisions to Section 1444.17.

 moved by Buescher, seconded by Olesen to accept

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

 Yes, 7 No, 0

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

President Butkowski: We'll move on to our correspondence.

CORRESPONDENCE:

President Butkowski: We only have one item tonight.

Received a memo from the Office of the Clerk of Council alerting Council Members that the regular Council meeting scheduled for Monday, July 5, 2010 is a date that City Hall is closed due to the Sunday, July 4 Holiday and suggesting Council suspend their By-Laws to hold the first regular Council meeting in July on Tuesday, July 6, 2009.

Council Member Boose: Madam President, prior to receiving a motion, the last date should be corrected to July 6, 2010.

President Butkowski: For the record, the first regular Council meeting in July would be on Tuesday, July 6, 2010.

 moved by Boose, seconded by Jaenke to suspend the By-Laws to hold the regular Council meeting Tuesday, July 6, 2010

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.

OLD BUSINESS:

President Butkowski: We have no old business for tonight.

Council Member Boose: Madam President, under old business:

 moved by Boose, seconded by McLaughlin that the review of the Master Plan be resubmitted to the proper Council Committee, so that it can be further discussed and acted upon as quickly as possible

President Butkowski: Do we have any discussion?

Council Member Boose: Madam President, per the comments made earlier in this evening's meeting from the lobby; I have to agree that it wasn't our best move not to act on this sooner. We've been called on it and I think we need to react to it and I for one want to make sure that that happens. Too many people spent too many hours on this. Too much time; good citizens who spent a lot of their time on a great deal of different topics to try to put together our Master Plan for our City moving forward and I feel that it has come upon ourselves to make sure that we have discussion and move forward on it. Thank you.

Council Member McLaughlin: Madam President, I have a question regarding this matter. It was two months ago that this came before the Planning Commission and then it was not so long ago that we accepted the report from the Planning Commission. Shouldn't that have automatically put that back on to our agenda?

President Butkowski: We had a Committee Meeting of the Whole and we didn't come to any decision. It went to both the Planning Commission and the Committee Meeting of the Whole. Both reports have to be completed and submitted before it comes back on the agenda.

Council Member McLaughlin: If you don't mind me asking, then why would Planning Commission be taking action on anything if we haven't decided as a Council whether or not to send it along. It seems like we did it a little backwards there.

President Butkowski: No. You referred it to both the Committees. It went through one Committee, but it didn't go through the other Committee.

Council Member McLaughlin: Then, why did it go to Planning Commission?

President Butkowski: Because I referred it to both Committees; Planning Commission and Committee of the Whole.

Council Member McLaughlin: I guess my question is if we decided as a Council that we wanted to change something, it has already gone to Planning Commission.

Law Director Crites: If I may, Madam President. The reason it goes to Planning Commission is because the Charter insinuates that it should. Even though it is not an ordinance, it was a good idea that it got reviewed by Planning Commission. Remember, Planning Commission is your advisory body. They are advising and making recommendations and reports for Council to review. You received that. They made that recommendation. The problem was that this got referred to Committee and never came out. I would suggest and I am willing to be shot down by this, but that the problem came from it being referred to two committees which by your By-Laws means it gets referred to the Committee of the Whole which I think becomes a little more cumbersome. I think, to streamline the process, be it eventually being put before you for a yes vote or a no vote, at least it comes before you and you can just refer it to one Committee, which seems to me to be Buildings and Lands that will meet, make a report and it will come back before you and then you can act.

President Butkowski: It was referred to Committee of the Whole so everyone had input on it together. It was figured that way would be probably easier to do it at one time. We also hoped that we would get some input from the public also. That is why we did that. When the legislation comes back, now that it has been put back on the docket, the legislation will come back in and then we will do it. Is there any more discussion on this motion?

Council Member Jaenke: Madam President, if I remember correctly, this was a resolution to accept the work that the Master Plan Committee did. So, it is only a resolution. We haven't gone to the point where we are referring certain sections of that report to various committees. There is a lot of work in total that has to be done. So, I just want to be sure that what we are talking about now, is just the resolution to accept the work that they have done.

Council Member Boose: Good point. Yes, that is the intent.

President Butkowski: That's correct. Is there any other discussion on this motion? Clerk, please call the roll.

Yes, 7 No, 0

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

President Butkowski: Is there any other old business? We'll move on to the new business.
Clerk, could you please read the first, T 96.

NEW BUSINESS:

Clerk of Council Blakely:

T 96-2009 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS
 DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE
 NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY
 AUDITOR

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

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 98-2009 AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS IN THE
 AMOUNT OF \$119,800.00 FOR THE CONTRACTED PROFESSIONAL
 SERVICES OF CT CONSULTANTS, INC. FOR THE ADMINISTRATION
 AND IMPLEMENTATION OF CHIP GRANT FUNDS AWARDED TO THE
 CITY FOR THE BENEFIT OF LOT TO MODERATE INCOME RESIDENTS.

President Butkowski: Please make note on your ordinance that there is a typographical error right
there, where it says lot. That should be low. Is there a motion? Does this need to be passed
tonight?

Mayor Gillock: I'm not sure if this needs to be passed tonight or not. I guess not. We'll let it go.

T 99-2009 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO
 PATTON'S FIVE STAR TOWING, INC. FOR TOWING, STORAGE AND
 IMPOUNDMENT OF VEHICLES FOR THE POLICE DEPARTMENT, AND
 DISPOSAL OF UNCLAIMED VEHICLES IN THE AMOUNT OF \$9,800.00.

 moved by Boose, seconded by Buescher to suspend the By-Laws to allow 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.

Planning Commission recommendations to Council from regular meeting October 13, 2009:

APPLICANT: Antonio and Maria Iannelli, 32626 Lorain Road

OWNER: Same

REQUEST: Approval to install additional front parking east of existing business drive

LOCATION: Iannelli Autocars, 32626 Lorain Road in a B-4 District

EACH CASE TOGETHER WITH THE NECESSARY APPURTENANCES
AND WORK INCIDENTAL THERETO.

First Reading

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

President Butkowski: Do we have any discussion?

Council Member Jaenke: Madam President, I have a question for our Engineer. Larry, are we
going to be starting this during the winter?

Engineer Griffith: Yes.

Council Member Jaenke: We will maintain traffic?

Engineer Griffith: Two way traffic will be maintained.

Council Member Jaenke: Thank you.

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

Yes, 7 No, 0

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

moved by Boose, seconded by Buescher to adopt

moved by Boose, seconded by Buescher to add the emergency in order to allow
the project to move forward without further delays

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

Yes, 7 No, 0

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

President Butkowski: A motion was made by Boose and seconded by Buescher 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 4686-2009.

Permanent Ordinance No. 4686-2009

T 96-2009 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS
1173-2009 DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING
THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE
COUNTY AUDITOR

First Reading

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

President Butkowski: Do we need the emergency on that one? Is there any discussion? Clerk,
please call the roll.

Yes, 7 No, 0

Clerk of Council Blakely: The second and third readings are dispensed with by a vote of seven to
zero.

moved by Boose, seconded by Buescher to adopt

moved by Boose, seconded by Buescher to add the emergency in order to meet the November 1 deadline

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

Yes, 7 No, 0

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

President Butkowski: A motion was made by Boose and seconded by Buescher 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 resolution number 1173-2009.

Permanent Resolution No. 1173-2009

T 99-2009 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO
1174-2009 PATTON'S FIVE STAR TOWING, INC. FOR TOWING, STORAGE AND
IMPOUNDMENT OF VEHICLES FOR THE POLICE DEPARTMENT, AND
DISPOSAL OF UNCLAIMED VEHICLES IN THE AMOUNT OF \$9,800.00.
First Reading

moved by Boose, seconded by Buescher 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 Buescher to adopt

moved by Boose, seconded by Buescher to add the emergency in order to avoid any additional delays in payment

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

Yes, 7 No, 0

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

President Butkowski: A motion was made by Boose and seconded by Buescher 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 resolution number 1174-2009.

Permanent Resolution No. 1174-2009

President Butkowski: We are moving on to our second readings and we have T 88 substitute.

SECOND READINGS:

Clerk of Council Blakely:

T 88-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF
SUBSTITUTE NORTH RIDGEVILLE, OHIO, TO ENTER INTO A CONTRACT WITH THE
4687-2009 INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 2129,
AFL-CIO.

Second Reading

moved by Corcoran, seconded by McLaughlin to dispense with the third 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.

moved by Corcoran, seconded by McLaughlin 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 4687-2009.

Permanent Ordinance No. 4687-2009

T 89-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF
SUBSTITUTE NORTH RIDGEVILLE, OHIO, TO ENTER INTO A CONTRACT WITH THE
4688-2009 FRATERNAL ORDER OF POLICE, LODGE NO. 25, NORTH RIDGEVILLE
DIVISION, NON-SWORN, PATROLMEN, AND PROMOTED UNITS.

Second Reading

moved by Corcoran, seconded by McLaughlin to dispense with the third 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.

moved by Corcoran, seconded by McLaughlin 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 4688-2009.

Permanent Ordinance No. 4688-2009

President Butkowski: Okay that is all the second readings we have. We'll move on to the third readings and the first one is T 67.

THIRD READINGS:

Clerk of Council Blakely:

T 67-2009 AN ORDINANCE AMENDING NRCO 1056 CONSTRUCTION SITE SOIL
4689-2009 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.

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 4689-2009.

Permanent Ordinance No. 4689-2009

T 83-2009 AN ORDINANCE ACCEPTING CERTAIN STREETS/ IMPROVEMENTS
4690-2009 LOCATED IN WATERBURY SUBDIVISION PHASES NO. 3A AND 3B
AND DEDICATING THEM FOR PUBLIC PURPOSES.

Third Reading

moved by Corcoran, seconded by McLaughlin 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 4690-2009.

Permanent Ordinance No. 4690-2009

T 84-2009 AN ORDINANCE ACCEPTING CERTAIN STREETS/ IMPROVEMENTS
4691-2009 LOCATED IN JORDAN PLACE SUBDIVISION AT WATERBURY AND
DEDICATING THEM FOR PUBLIC PURPOSES.

Third Reading

moved by Corcoran, seconded by McLaughlin 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 4691-2009.

Permanent Ordinance No. 4691-2009

T 90-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF
4692-2009 NORTH RIDGEVILLE, OHIO, TO ENTER INTO A CONTRACT WITH THE

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL
EMPLOYEES, AFL-CIO.

Third Reading

moved by McLaughlin, seconded by Corcoran to adopt

President Butkowski: Is there any discussion?

Law Director Crites: Madam President, may I briefly speak to this? An issue was raised concerning the one year contract which has been proposed and the City has negotiated with the Union. The issue being, the one year agreement; the schedules therein are missing or are at least ambiguous as to one or two positions which were created by ordinance during the three year pendency of the previous three year agreement. Understand, it is the intention of both the Union and the City to simply maintain the status quo with this one year contract. So, in recognition of that possible ambiguity, we have spoken with the Union. The Union has submitted to us, after our discussions, an agreement which explicitly states that those added positions are understood to be and shall remain part of the bargaining unit. So, it is my opinion that upon reliance of that agreement, as well as the fact that those positions were created by independent legislation of this Council; that the City is well authorized and actually duty bound to pay the wage scales and afford the benefits as was the status quo and established by that legislation when they were added. Questions?

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

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero and becomes ordinance number 4692-2009.

Permanent Ordinance No. 4692-2009

COMMITTEE MEETING ANNOUNCEMENTS:

President Butkowski:

Next Regular Council Meeting Monday, November 2, 2009 at 7:30 P.M. in Council Chambers

ADJOURNMENT:

moved by Buescher to adjourn
Meeting adjourned at 9:10 P.M.

Approval of Minutes:

MOTION Jaenke 2ND Boose DATE November 2, 2009

YES 7 NO 0 ABSTAIN 0