

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING NOVEMBER 16, 2009**

CALL TO ORDER: 7:30 P.M.

President Bernadine Butkowski: I call to order the North Ridgeville Municipal Council meeting of Monday, November 16, 2009.

INVOCATION: lead by President Butkowski.

PLEDGE OF ALLEGIANCE: by all

ROLL CALL:

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

Absent was Council Member Dennis Boose

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 November 2, 2009.
moved by Jaenke, seconded by Buescher to approve

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

Yes, 6 No, 0

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

President Butkowski: Council Minutes of special meeting held November 9, 2009.
moved by McLaughlin, seconded by Corcoran to approve

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

Yes, 5 No, 0 Abstain, 1 (Buescher)

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

President Butkowski: Please note:

Civil Service Commission Minutes of regular meeting October 20, 2009 and
Planning Commission regular meeting November 10, 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 or you will be contacted later. You will have three minutes to address Council. Is there anyone that would like to address Council, tonight? Seeing none, we'll move on to the Administration reports. Mayor Gillock.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you, Madam President and good evening everyone. I have a very short report this evening. I just want to let you know that tomorrow, Safety-Service Director Johnson and I will be attending the meeting of the Ohio Cultural Facilities Commission to, hopefully, obtain the green light to go ahead with the improvements to Old Town Hall, which will include a chair lift to the second floor. So, keep your fingers crossed for final approval of this 175,000 dollar grant and I want to wish everyone a very happy Thanksgiving Day, next week. That concludes my report.

President Butkowski: Thank you. I hope you get that lift, because they have talked about that for years. That certainly will help us. Moving on to Safety-Service Director Johnson's report.

B. Safety-Service Director:

Safety-Service Director Johnson: Thank you, Madam President. I ask that T 110-2009 on your agenda be passed tonight. This ordinance authorizes us to sell our old sewer vac truck by public bid. The vehicle is no longer of use to the city due to extensive cost of needed repairs. We would like to sell it by public bid and possibly use the funds to do needed repairs on the newer sewer vac truck. Sewer vacs are quite complicated and need frequent repair to keep them in service. We use ours nearly every day to keep our sanitary and storm sewers free of debris, that can slow or stop the flow.

I want to take this opportunity to mention one of our many outstanding employees. About 9:00 P.M. last Friday night Service Department Superintendent Bill Gluvna called to update me on a problem. The navigational lights on our tower at the service garage were all dark. Bill was called earlier by Police Dispatch. Knowing the hazard to low flying aircraft, such as Life Flight, Bill tried to contact FAA and the local airports to make them aware of the problem, while he worked at getting it corrected. None of those he called would take his information because a special FAA code for the tower was required, which none of us had ever heard of. We will find that number for future issues. After failing to get assistance from FAA and airports, both local

and surrounding states, Bill came up with the idea of contacting an FBI agent that stops by the garage that checks on the radio equipment that they own on our tower. The FBI agent assured Bill that he would take care of his notification and indicated that he would get the lights working. Restoring the lights took a little longer than anticipated, but they were working again Sunday night and Bill was there to make sure. This is the kind of dedication that Bill Gluvna brings to the job and it is not limited to major issues. Bill is just as tenacious on potholes, plowing and the hundreds of other tasks performed by his department. We have many outstanding employees working for the citizens of North Ridgeville and Bill Gluvna is one of the best. Thank you. That concludes my report.

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

C. Engineer:

Engineer Griffith: Thank you, Madam President. Does recycling help our Country during the current recession? According to a report in Progressive Investor, the recycling industry pulled in 236 billion dollars in revenue in 2007 and employed more than one million people. That amounts to about two percent of the 2007 U.S. gross domestic product. Not only does the recycling industry provide jobs, it also reduces the climate change potential by reducing the energy requirements needed to produce refined metals, such as aluminum and zinc. It reduces the methane generated by land filled waste. Thus, not only does recycling help our environment by keeping many potential pollutants out of our water and drainage ways, it provides jobs and other environmental advantages. That concludes my report. Thank you.

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

D. Auditor:

Auditor Costin: Thank you, Madam President. The first item on the agenda is the written report for October, which Council should have already received.

Auditor's Written Report for October 2009

 moved by McLaughlin, seconded by Olesen to accept the Auditor's Written Report for October 2009

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

 Yes, 6 No, 0

Clerk of Council Blakely: Motion has been approved by a vote of six to zero.

Auditor Costin: The only verbal comment I have for this evening is just a reminder that under new business, T 109, an ordinance authorizing the Mayor to negotiate and enter into a contract for the purchase of certain land. It will require the issuance of Bond Anticipation Notes before that ordinance could be passed by Council so,, if it is Council's wishes; when we get there, to

either simply leave it under new business or forward it to first reading. If you so direct, we can have the BANs legislation available for the next Council meeting or at latest, the Council meeting after that, due to the holidays. Thank you, that concludes my report.

President Butkowski: Thank you, Mr. Costin.

E. Other Reports:

President Butkowski:

Mayor's Court Report for October 2009;

Building Department Report for October 2009;

Fire Department Report for October;

Police Department Support Car Report for 2009; and

Water System operation Report for October 2009.

COUNCIL COMMITTEE REPORTS:

Clerk of Council Blakely:

COUNCIL COMMITTEE OF THE WHOLE #6251 dated November 9, 2009. Members of Council: We have considered the matter of the Master Plan and recommend adoption of Resolution T 56-2009 accepting the Master Plan of 2009 and recommend that this request be approved.

Signed: Members Dennis Boose, Richard W. Jaenke, Robert W. Olesen, Kevin Corcoran and President Bernadine Butkowski.

 moved by Jaenke, seconded by McLaughlin to accept

President Butkowski: Do we have any discussion?

Council Member Corcoran: Madam President, I just wanted to explain that there are parts of the Master Plan that I don't necessarily agree with, but this is just a motion to accept their plan as it is.

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

 Yes, 5 No, 0 Abstain, 1 (Buescher)

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

CORRESPONDENCE:

President Butkowski: There is no correspondence to be noted by the Clerk of Council.

OLD BUSINESS:

President Butkowski: We have no old business tonight.

NEW BUSINESS:

Clerk of Council Blakely:

T 108-2009 AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND RESOLUTIONS AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO APPROVE, ADOPT, ENACT AND PUBLISH NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; AND TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

T 109-2009 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO A CONTRACT FOR THE PURCHASE OF APPROXIMATELY 22 ACRES OF LAND LOCATED AT SHADY DRIVE IN NORTH RIDGEVILLE, OHIO, IN ORDER TO EXPAND THE MUNICIPAL PARK, IN THE APPROXIMATE AMOUNT OF \$300,000.00.

Council Member Olesen: Madam President, I just have a question. In order to help the Auditor in getting his bond program together, I would be glad to suspend By-Laws to give this a first reading.

Auditor Costin: Madam Chairman, what would be more advantageous and efficient would be an oral Committee report to authorize the bond legislation for an upcoming meeting and that would put it under a first reading, when it got here. What is important about that is, then we know we are going to go ahead with the acquisition of land before we incur the expense of having the bond legislation prepared.

 moved by Butkowski, seconded by Olesen to approve the preparation of legislation for the issuance of BANs

President Butkowski: Discussion, Mr. McLaughlin?

Council Member McLaughlin: Here is the question that I have in regard to what we are doing right here. Is this telling him to go ahead and draw up the stuff to get ready to get the money? How do we know it is going to pass? I'm not saying that it isn't.

President Butkowski: That is the way you have to follow it. So, we can not pass it until the bonds are ready to be issued.

Council Member McLaughlin: Can you explain that?

Auditor Costin: If you vote down this oral Committee report, that is a good indication that you don't want to buy the land. It would be not very meaningful to pass this legislation or to pass the oral Committee report with Council's intention that you would not want to acquire the land. So, I think this is simply an indication that Council wants to buy the land through the issuance of BANs by passing the oral Committee report.

Mayor Gillock: Madam President, also, if we pass the BAN legislation, that doesn't mean that

we run right out and borrow the money. That would give us the authority to enter into this agreement and if Council goes along with this, then we can borrow the money. We can't spend the money until we have the authorization to spend the money.

Council Member McLaughlin: That is what I was getting at. So, we will still have our three readings and the public has their opportunity to speak on it. Just because we are allowing to go ahead with the start of this.

Mayor Gillock: Yes.

President Butkowski: This one does not have to have three readings. It could be suspended, but yes, it will have to go through the normal process. It can be suspended. It does start, but we have to have those BANs in order. You can't do it without that. That is just the order. Is there any other discussion on the BANs? Clerk, please call the roll.

Yes, 6 No, 0

Clerk of Council Blakely: The oral Committee report to issue BANs passes by a vote of six to zero.

President Butkowski: Council Member Olesen, did you make that motion to suspend?

Council Member Olesen: I just asked the question.

President Butkowski: Okay, fine.

Council Member Olesen: If you want to put it up to the third reading tonight, we can do that too.

President Butkowski: I just wanted to make sure that you hadn't made a motion. Okay, we are fine. Now, T 110.

Clerk of Council Blakely:

T 110-2009 AN ORDINANCE AUTHORIZING THE DISPOSITION OF CERTAIN
PERSONAL PROPERTY OWNED BY THE CITY OF NORTH RIDGEVILLE
PURSUANT TO O.R.C. SECTION 721.15.

moved by Olesen, seconded by Buescher to suspend By-Laws to give T 110 its first reading

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

Yes, 6 No, 0

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

T 111-2009 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO DON
MOULD'S PLANTATION FOR SERVICES PROVIDED REGARDING THE
SHADY DRIVE COMPLEX STORAGE BUILDING IN THE AMOUNT OF
\$25,000.00.

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

President Butkowski: Do we have any discussion? Yes, Mr. McLaughlin, I see your hand.

Council Member McLaughlin: Didn't we just do 40,000 dollars of this?

Mayor Gillock: Madam President. We authorized this expenditure due to change orders, but the work was actually done before the purchase order was written. So, we have to approve it this way.

Council Member Buescher: Madam President, so, this is the same as what we talked about at a couple meetings ago; where this has to do with the cement and the floor?

Mayor Gillock: Yes, the level of the floor and the change of the thickness from four inches to six inches.

Council Member Buescher: Thank you.

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

Yes, 6 No, 0

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

President Butkowski: We'll move on to the:

Planning Commission recommendations to Council from meeting held November 10, 2009

Clerk of Council Blakely:

APPLICANT: Jim W. Kilby, 35296 Chestnut Ridge

OWNER: Harvest Ridge Assembly of God, 35600 Lorain Road

REQUEST: Approval to build an addition onto an existing building

LOCATION: Harvest Ridge Assembly of God, 35600 Lorain Road in an
R-1/I-2 District

Permanent Parcel No. 07-00-024-101-109

PC ACTION: Approved by a vote of four to zero

moved by Corcoran, seconded by Jaenke to accept

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

Yes, 6 No, 0

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

APPLICANT: KLC, Properties, Poppee's Popcorn, 38727 Taylor Parkway

OWNER: Same

REQUEST: Approval to build an addition onto an existing business

LOCATION: Poppee's Popcorn, 38727 Taylor Parkway in an I-3 District
Permanent Parcel No. 07-00-047-000-099

PC ACTION: Approved by a vote of four to zero

moved by Olesen, seconded by Corcoran to accept

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

Yes, 6 No, 0

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

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

PC ACTION: Recommends that Council approve T 93 as amended by the Law Director by a vote of four to zero.

 moved by Corcoran, seconded by McLaughlin to accept

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

 Yes, 6 No, 0

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

RECESS:

 moved by McLaughlin, seconded by Corcoran to dispense with recess

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

 Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero and recess is suspended.

FIRST READINGS:

Clerk of Council Blakely:

T 104-2009 AN ORDINANCE AMENDING NRCO SECTION 1474.09 DETENTION PONDS.

 First Reading

President Butkowski: We will have a public hearing on December 7, 2009 for this.

T 110-2009 AN ORDINANCE AUTHORIZING THE DISPOSITION OF CERTAIN
4698-2009 PERSONAL PROPERTY OWNED BY THE CITY OF NORTH RIDGEVILLE
 PURSUANT TO O.R.C. SECTION 721.15.

 First Reading

 moved by Olesen, seconded by Buescher to dispense with the second and third readings tonight

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

 Yes, 6 No, 0

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

 moved by Olesen, seconded by Buescher to adopt

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

 Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero and becomes ordinance number 4698-2009.

 Permanent Ordinance No. 4698-2009

T 111-2009 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO DON
1175-2009 MOULD'S PLANTATION FOR SERVICES PROVIDED REGARDING THE
SHADY DRIVE COMPLEX STORAGE BUILDING IN THE AMOUNT OF
\$25,000.00.

First Reading

moved by Olesen, seconded by Jaenke to dispense with the second and third readings tonight

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

Yes, 6 No, 0

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

moved by Olesen, seconded by McLaughlin to adopt

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

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero and becomes resolution number 1175-2009.

Permanent Resolution No. 1175-2009

President Butkowski: Now, we'll move on to second readings and the first one on that is T 100.

SECOND READINGS:

Clerk of Council Blakely:

T 100-2009 AN ORDINANCE ACCEPTING CERTAIN STREETS/ IMPROVEMENTS
LOCATED IN VARIOUS PHASES OF THE WATERBURY PCD AND
DEDICATING THEM FOR PUBLIC PURPOSES.

Second Reading

T 101-2009 AN ORDINANCE AMENDING NRCO SECTION 1444.17, GRADING PLAN
APPROVAL PRIOR TO BUILDING PERMIT ISSUANCE; SEEDING,
MULCHING; CONFLICTS OF LAWS.

Second Reading

President Butkowski: That is all of our second readings tonight. Now, we'll move on to our third reading, T 53 Revised.

THIRD READINGS:

Clerk of Council Blakely:

T 53-2009 AN ORDINANCE CREATING A NEW NRCO SECTION

REVISED ENTITLED TREE PLANTING PLAN REQUIREMENTS.

Third Reading

President Butkowski: This will be postponed until next meeting on December 7, 2009 at 7:15 P.M. It needs a public hearing.

Council Member Buescher: Is that a motion Madam President to postpone?

President Butkowski: We don't need a motion. We just can't do anything.

Mayor Gillock: You need to have a motion though.

 moved by Butkowski, seconded by Buescher to postpone until the next meeting
 for that public hearing

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

 Yes, 6 No, 0

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

COMMITTEE MEETING ANNOUNCEMENTS:

President Butkowski:

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

Public Hearings Monday, December 7, 2009 beginning at 7:15 P.M. in Council Chambers to consider the following in the order in which they appear.

- 1) T 53-2009 REVISED creating a new NRCO Section entitled tree planting plan requirements; and
- 2) T 104-2009 amending Section 1474.09 Detention Ponds.

ADJOURNMENT:

 moved by Jaenke to adjourn
Meeting adjourned at 7:57 P.M.

Approval of Minutes:

MOTION Jaenke 2ND Corcoran DATE December 7, 2009

YES 6 NO 0 ABSTAIN 1 - Boose