

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

CALL TO ORDER: 7:30 P.M.

President Corcoran: I call to order the North Ridgeville City Council Meeting of Monday, January 4, 2009. Please stand for the invocation and pledge of allegiance.

INVOCATION: lead by President Corcoran.

PLEDGE OF ALLEGIANCE: by all.

ROLL CALL:

Present were Council Members Nancy Buescher, Dennis Boose, Richard Jaenke, Bob Olesen, Bernadine Butkowski, Roseanne Johnson and President Kevin Corcoran

Also, present were Mayor David Gillock, Safety-Service Director Jeffry Armbruster, Law Director Andrew Crites, Engineer Larry Griffith, Deputy Auditor Teresa Machovina and Assistant Clerk of Council Paula Cope

MINUTES - Corrections (if any) and Approval:

President Corcoran:

Council Minutes of regular meeting held December 21, 2009.

 moved by Jaenke, seconded by Olesen to approve the minutes dated December 21, 2009

President Corcoran: Are there any corrections or changes?

Council Member Boose: Mr. President, on page 22; top line it says, is this 8784? For clarification, there should be a dollar sign there. That's 8,784 dollars. Thank you.

President Corcoran: Are there any objections to approving? The minutes are approved as corrected. Please file them.

President Corcoran: Please note:

Board of Zoning & Building Appeals Minutes of regular meeting December 17, 2009.

LOBBY:

President Corcoran: We come to the lobby session. The Chair invites anyone to speak and address your City Council. Before you do, please fill out the lobby form found in the back of the room, because it gives us the opportunity to contact you personally, should there be any need for followup. Please state your name and address and limit your comments to three minutes. The lobby is now open.

1) Chuck Stella of 31740 Cook Road stated that his residence still has very bad water.

2) Robert Gaydash of 9400 Avon Belden Road explained that he was here during the last Council meeting with a legitimate problem and suggested that if Council Member Butkowski ever sits in that seat, she should respect him as a resident as he is requesting respect.

Council Member Olesen: Mr. President, I think this is bordering on a personal attack and I think that we should go onto the main subject.

President Corcoran: Mr. Gaydash, I just wanted to inform you of some of the rules. We are not here for personal attacks and you are limited to one subject matter per opportunity to speak.

Right now, your subject matter, that you are approaching, has just been one directed at Councilwoman Butkowski and so at this point, since we are ending that discussion . . .

Robert Gaydash: I can't speak no more?

President Corcoran: If there is someone else that has something to bring up then they have the opportunity to speak before you can come back and then speak about the issue that you wanted to speak about tonight. Is there anybody else that would like to address Council? Okay, Mr.

Gaydash. Please.

3) Robert Gaydash of 9400 Avon Belden Road apologized to Mrs. Butkowski and noted that did teach him a whole lot. He stated that he would get to the point and noted that when he comes in he expresses his deep concerns about very valuable business concerns. He further stated that he wants to be respected and treated like a resident as he, in his opinion, thinks he was grossly disrespected before.

President Corcoran: Mr. Gaydash?

Robert Gaydash: I wanted to say a lot more, but apparently you're gonna hold this guy down because of this truthful guy you gotta watch.

President Corcoran: No, we ended that discussion during the first opportunity you had to speak. Were you here to speak about the property again?

Robert Gaydash: No, because I tried to get to it and here, if I wasn't abused verbally the last time I was here, I would still be talking about the property.

President Corcoran: You still have about a minute and a half to talk about the property, if you like.

Robert Gaydash: Can I talk about one other subject?

President Corcoran: You have to limit it to one subject.

Robert Gaydash: That's agreeable. I don't know what news media are represented here this evening. I'll tell you one thing, about the property situation; for the record, there has never been a news organization in 38 years, about all my business matters, has ever come to me to say Mr. Gaydash, let's get your side of the story. So whatever comes out in the news media, I'll tell you other than this camera here; do you people audit this camera? Do you remove stuff from it?

President Corcoran: No.

Robert Gaydash: Whatever comes out in the news media and it involves my name, believe me,

you are only getting one side of the story and there is a lot more to the story than what someone might say. I don't know that, there is a possibility, but I just want people to know that they are only getting one side of the story; whichever news organization is involved. I have never been approached to say, let's sit down. I'd like to say a lot more. Fellow there, you got a chuckle. What is your chuckle? Can I ask ya?

Law Director Crites: I'm not answering your questions in this forum, Sir. You are not obeying the By-Laws and the rules of this forum per Robert's Rules of Order. If you can't stay within the rules, then you can't participate.

Robert Gaydash: Okay, so ever? Should I stay out of here forever?

Law Director Crites: Yes, ever.

Robert Gaydash: Is that right?

Law Director Crites: Yes.

President Corcoran: If you can't follow the rules, then you can't speak. That is the way it works and those rules apply to everybody and anybody.

Robert Gaydash: It seems the rules change from time to time, understanding us little working people, such as myself. Folks, that's it and I can see we don't want to talk to much here and I get the understanding. I've been here. This isn't my first bus stop in North Ridgeville. I've been here for a lot of years. It is just a shame that I couldn't say what I wanted to say. Thank you, folks. Good evening. God Bless America, it needs a whole lot of help.

President Corcoran: Would anyone else like to address Council this evening? Seeing none, we will move on to the Administrator's reports.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Happy New Year to everyone and congratulations to Kevin and Roseanne on being elected President and President Pro-Tem for the next few years. We don't have a lot on our agenda this evening, but T 2-2010 is very important. We are trying to maximize our investment return. Star Ohio, which is our most conservative depository, is currently paying an interest rate of .08 percent. That is not eight percent that is .08 percent; eight-one hundredths. Through the CDARS Program, which we've discussed before, we can get an arousing 1.1 percent through First Place Bank, a local bank, but a 1.1 percent is substantially higher than .08. Under our current ordinance, we are limited to depositing a maximum of 10,000,000 dollars in First Place and we would like to raise that to 15,000,000 dollars as they have the best rates. We also have funds in Lorain National right now and these are the only local banks that are participating in the program right now. That 1.1 percent compared to the .08 is about 11,000 dollars per million annually. The funds are insured through the FDIC in our safe and retain the liquidity that we need. So I would ask that when T 2-2010 comes up that it be passed this evening with the emergency so, that we can reinvest a CD that we have maturing this month and put that in First

Place Bank. What Tony Hatmaker, our Treasurer, has done is layer our CDs where we will have a million dollars expiring each month so, we can kind of keep current and ready to react as interest rates do change. We don't tie all our money up in one CD for a long time. This way, we can keep a rolling report going.

The second thing I have is, late this evening, we did receive the certificate of property tax revenues from the three levies that we have discussed. So, we will be able to bring those to you for the next meeting to vote on putting those on the ballot. I just want to say, that I can say with all confidence and I want people to know that these are not new levies, these are existing levies that have been around for years. They have to be renewed every five years in one form or another. They were renewed five years ago and they have come up now. We are doing replacements. For the first time in the history of the County property values are going down. Even though the millages are going back to the original levels of what they were five years ago, I feel very confident and safe in saying, that for the average and for most homeowners your taxes will still be going down because the tax is determined by your property value; times the millage. The millage is going back to exactly what it was five years ago and unless your home value went up, which they haven't; they have almost all went down, you're going to be paying less. We want to make that clear. We will be having these coming to Council at the next meeting to vote in putting those on the ballot in May. We have to get them to the Board of Elections before February. That concludes my report.

President Corcoran: Thank you, Mayor. Safety-Service Director?

B. Safety-Service Director:

Safety-Service Director Armbruster: Thank you, Mr. President. I would like to inform you that global warming is here, but for the last six days we've had snow. From that, the guys have been out in the street cruise since the 30th, everyday through to the 4th. Unfortunately, for us, we've gone through 500 tons of salt through this process even in trying to reduce the use of salt. I know this morning, when I was out early, I can report that in North Olmsted and at 6:45 A.M., they hadn't even plowed Lorain Road yet. Our crews were out and I was actually in Grafton, way out on Route 57 and the State hadn't even gotten to those roads. We have been out and we are working hard. The guys worked on the holiday; on the first and they are doing the best they can in trying to save as much salt and do as good of a job as we can, within the city. Hopefully, nobody has heard any complaints. We are trying to cut back, but we are also trying to do a good job. I know we are based on the communities that I have driven through during the last couple of days. That ends my report.

President Corcoran: Thank you. Engineer?

C. Engineer:

Engineer Griffith: Thank you, Mr. President. It has been estimated that holiday cards sold during the past holiday season could fill a football field ten stories high and require the harvesting of nearly 300,000 trees. Next year, please consider buying cards made from recycled paper. This will save many trees which filter in slow water runoff; help clean the air we breathe and provide habitat for wildlife. It will also help reduce the load placed on our ever diminishing landfills. As a recycling side note, Sharon, in the Building Department, uses the front of the cards she receives to make gift tags. That concludes my report tonight.

President Corcoran: Thank you. Auditor?

D. Auditor:

Deputy Auditor Machovina: Good evening, Mr. President. I have no report for this evening. Thank you.

E. Other Reports:

President Corcoran: There are no other reports.

COUNCIL COMMITTEE REPORTS:

President Corcoran: There are no Council Committee Reports.

CORRESPONDENCE:

President Corcoran: There is no correspondence to be noted by the Clerk of Council. Moving on to old business.

OLD BUSINESS:

President Corcoran: There is none. Moving right along to new business.

NEW BUSINESS:

Assistant Clerk of Council Cope:

Request for a C1 and C2 liquor permit transfer from BP Products North America Inc., DBA BP Food Mart 1946, 35985 Center Ridge Road to Lehigh Gas Ohio LLC, DBA BP AM PM, same address.

moved by Buescher, seconded by Olesen 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 Corcoran: Is there any objection?

Council Member Boose: Mr. President, as clarification, I believe though, the report suggests that the request is for a C2 and C2, but the actual application is for a C1 and C2, so I think we should correct that.

President Corcoran: The agenda itself is incorrect. The Clerk read it as C1 and C2. The Clerk corrected it as she spoke the words. Are there any objections? Seeing none, the motion is adopted.

Mayor Gillock: Do you need the vote?

President Corcoran: We are using unanimous consent and without any objections, no vote is necessary. Moving on, T 1.

Assistant Clerk of Council Cope:

T 1-2010 AN ORDINANCE AMENDING NRCO SECTIONS 1044.02(D) AND
1044.02(F) CONNECTION CHARGES, AND ORDINANCE NO. 4672.09,
WHICH MODIFIED THE METHOD OF CALCULATING SANITARY SEWER
CONNECTION FEES BASED ON WATER METER SIZE.

Mayor Gillock: Mr. President, I would ask the City Engineer to expound and explain what this is for.

President Corcoran: Go right ahead.

Engineer Griffith: They changed the way we are calculating the tap in fees several months ago and unfortunately, I screwed up and had an error in the calculation method that I didn't catch until I started to make up this table that is on the front of these two pages. I made this up so that we would have a record of what the fees are and how they are calculated every year. What was supposed to have happened is that the inspection administrative fee was to be continued to be calculated the way it had been calculated previously. If you look at the second page, that's the printout from the engineering fees records; from their construction cost that they compile; according to the way we've always calculated that inspection administrative fee, we are to use the January 2010 index value and you take that value and divide it by 6,000 and multiply it by 100 and that is the inspection and administrative fee. That was correct, but unfortunately, the other two calculations that we have to make; that same paragraph was copied twice and it should not have been. What it should have said was, that we use the construction cost percent change per year, which according to that second page is 1.3 percent. That is what I am asking you to change, so that I can correctly calculate the tables that are on the bottom. The tables that I have set up right now, I am using the 1.3 percent to calculate the new number, but I cannot legally; obviously, use those numbers until the ordinance is rectified.

President Corcoran: I am assuming, since we are having this discussion, that you would like to have this considered this evening.

Engineer Griffith: Let's put it this way. It would be easier for me if you passed this as soon as

possible. To show the other side of the coin, we have right now in January, we don't have too much construction going on and there aren't too many people tying into the sewer. There are a few so, we would just have to be very careful about how we calculate that fee, but it would sure be a lot easier if I could get that ordinance changed as soon as possible.

 moved by Johnson, seconded by Buescher to suspend the By-Laws to give T 1 its first reading this evening

President Corcoran: Clerk, please call the roll.

 Yes, 7 No, 0

Assistant Clerk of Council Cope: By-Laws have been suspended by a vote of seven to zero and T 1-2010 will receive a first reading tonight.

T 2-2010 A RESOLUTION AMENDING RESOLUTION NO. 1065-2005 AND
 INCREASING THE AMOUNT OF INTERIM DEPOSITS OF PUBLIC MONIES
 THAT MAY BE AWARDED TO A FINANCIAL INSTITUTION.

 motion by Olesen, seconded by Butkowski to suspend the By-Laws to give T 2 a first reading this evening

President Corcoran: Clerk, please call the roll.

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

Assistant Clerk of Council Cope: Vote results in six yeses, zero nos and one abstention. T 2 will receive a first reading tonight.

T 3-2010 A RESOLUTION PURSUANT TO NRCO 214.01, PROCEDURES FOR SALES
 BY INTERNET AUCTION, EXPRESSING LEGISLATIVE INTENT TO SELL
 CERTAIN PROPERTY BY INTERNET AUCTION.

Mayor Gillock: Mr. President, please, could I ask the Law Director to speak to this ordinance?

President Corcoran: Yes.

Law Director Crites: Thank you, Mr. Mayor. What this is, is an additional resolution relating to our intention to sell goods and more specifically in this case, used Police cars, by internet auction. I felt this extra resolution necessary, just to be sure that we are completely in conformity with the provisions of the Ohio Revised Code but, in order not to hold up our Police Department, who wants to free up their unnecessary inventory, I would ask that this also be passed tonight by emergency if we could. Basically, what we are doing is we are just making sure that we are in full compliance with the applicable provisions in the Ohio Revised Code that relate to posting a notice of internet sales.

 moved by Johnson, seconded by Olesen to suspend the By-Laws to give T 3 a first reading this evening

President Corcoran: Clerk, please call the roll.

 Yes, 7 No, 0

Assistant Clerk of Council Cope: Vote results seven to zero. T 3 will have its first reading this evening.

RECESS:

moved by Jaenke, seconded by Buescher to dispense with recess
President Corcoran: Are there any objections? Hearing none, the motion is approved. Moving on to first readings.

FIRST READINGS:

T 1-2010 AN ORDINANCE AMENDING NRCO SECTIONS 1044.02(D) AND
4714-2010 1044.02(F) CONNECTION CHARGES, AND ORDINANCE NO. 4672-09,
WHICH MODIFIED THE METHOD OF CALCULATING SANITARY SEWER
CONNECTION FEES BASED ON WATER METER SIZE.

First Reading

moved by Olesen, seconded by Johnson to dispense with the second and third readings for T 1

President Corcoran: Clerk, please call the roll.

Yes, 7 No, 0

Assistant Clerk of Council Cope: Second and third readings have been dispensed with by a vote of seven to zero.

moved by Olesen, seconded by Johnson to adopt

moved by Olesen, seconded by Butkowski to add the emergency so our Engineer can get the right figures on the cost analysis

President Corcoran: Is there any discussion? I do want to make a note that in the agenda, there is a reference to Ordinance Number 4672.09 and it has been correctly read by the Clerk as Ordinance Number 4672-09. Please call the roll on the emergency.

Yes, 7 No, 0

Assistant Clerk of Council Cope: Emergency has been added by a vote of seven to zero.

President Corcoran: It was moved by Olesen and seconded by Johnson to adopt T 1 with the emergency.

Council Member Boose: Mr. President, can we have discussion?

President Corcoran: Yes. Any discussion?

Council Member Boose: I heard the Engineer's discussion on this and it sounded like it was just that we forgot to include something in the original legislation, but; again, this is not my area of expertise and that is why I am asking. In the current legislation it references Engineering News Record 90 cities' average construction cost and this is referencing on page two, 20-city. Is that two different indexes that we are referencing so, that is another change? Is it not in the calculations?

Engineer Griffith: Yes, it does. Engineering News Record no longer does it for 50 cities. They only do it for 20, so that 50 is no longer available. From what I understand, it was simply a matter of cost.

Council Member Boose: So the 90 cities' average is no longer available for use?

Engineer Griffith: That is correct.

Council Member Boose: So, may I ask, what calculations are you using now to charge people to tie in if it doesn't exist?

Engineer Griffith: Prior, it was based on six percent per year. For the other figure, we were using 20 because 50 was no longer available; so we were forced to use 20.

Mayor Gillock: Mr. President.

President Corcoran: Yes, Mr. Mayor?

Mayor Gillock: Correct me if I'm wrong, but we're not talking about the base rate, we're talking about the multiplier, right, the annual increase?

Engineer Griffith: Right, but what Councilman Boose is talking about is here, where it says 90. That is no longer a value that is available.

Mayor Gillock: But we are using the 20 city.

Engineer Griffith: Right, we are using the 20.

Mayor Gillock: So, our old ordinance speaks to the 90 city average but, we are going to the 20; even though this one here says something different, but 20 is correct. We are changing our ordinance from the 90 city average construction cost to the 20 city construction cost percent increase.

Council Member Boose: Right. My question was to the point that if the 90 was still there, if that index is still there, what would the difference be between the 90 index charge and the 20 index charge? Since you are saying that the 90 index charge no longer exists, you can't use it, so there is no difference to be calculated.

Engineer Griffith: As I understand it, the tracking of all those costs and figures got to be considerable for 90 cities. If you look down farther on the page, they have the 20 cities that are used to come up with this average.

Council Member Boose: Thank you.

President Corcoran: Any other discussion? Clerk, please call the roll.

Yes, 7 No, 0

Assistant Clerk of Council Cope: T 1-2010 has been adopted with the emergency by a vote of seven to zero and becomes permanent ordinance number 4714-2010.

Permanent Ordinance No. 4714-2010

T 2-2010 A RESOLUTION AMENDING RESOLUTION NO. 1065-2005 AND
1183-2010 INCREASING THE AMOUNT OF INTERIM DEPOSITS OF PUBLIC MONIES
 THAT MAY BE AWARDED TO A FINANCIAL INSTITUTION.
 First Reading

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

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

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

Assistant Clerk of Council Cope: Motion has been approved by a vote of six, zero, one.

moved by Olesen, seconded by Butkowski to adopt

moved by Olesen, seconded by Butkowski to add the emergency so that we can get the hike in interest this City could sorely use for next year

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

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

President Corcoran: It was moved by Olesen and seconded by Butkowski to adopt T 2 with the emergency. Is there any discussion?

Council Member Boose: Mr. President, I spoke with the Treasurer this afternoon regarding the CDARS Program and what kind of checks and balances that we have as a City on these types of accounts and it appears we have a very good one. Although, it is not required, we actually do receive a detailed list of all the financial institutions that we have these various CDs with and though right now, the FDIC insures each deposit up to 250,000 dollars through 2013. The CDs do not reach that amount. They are in an amount less than that so that it does afford the opportunity for the interest to be included. One of the only risks that you have in something like this is that if one of the financial institutions that has one of the CDs through the CDARS Program would defunct, the FDIC does not cover any principle or interest over 250. It also does not cover any interest beyond the date that the financial institution would fail. So really, we are very well protected in the mechanisms that we have in place to monitor this and I commend the City for looking into this to earn as much interest that we can on our funds. I do have a question. My one question is, is there some reason why we need to only indicate First Place Bank in this. There are three institutions in town that offer this program and there are other depositors that the City is authorized to do business with; limiting it to First Place Bank, there may be another bank that has a higher rate of interest than what First Place Bank might have and so, I'm not quite sure why First Place Bank has to be singled out.

Mayor Gillock: There is no reason we couldn't add the other depositories in there. We just did First Place because that is where we need to move the money immediately so, that is the only one that we are addressing. Lorain National and First Federal of Lakewood; I don't think we use them. We could, but if we don't have an agreement with them already; and I don't know if we do with First Federal of Lakewood, we could amend this to add Lorain National Bank, if you wanted to.

Council Member Boose: Or any authorized City depositor?

Mayor Gillock: Makes sense to me.

Law Director Crites: Because more than two people have looked at me, I'll speak at this point. We certainly can make that amendment. I am a little hesitant to advise it without Mr. Costin.

Mayor Gillock: We can always come back and do that.

Law Director Crites: At the next meeting, we could walk that piece of legislation through if need be.

Mayor Gillock: We are not intentionally excluding anyone. We didn't look at it that way. We just know right now, First Place has the best rates and we've maxed out on our limit and to be able to roll that money in, we need to raise their limit. We'll address that and look at the other two. If they are in the same situation, we will bring back an ordinance to raise theirs also.

Council Member Boose: My reason for bringing that up, from time to time different banks charge different interest rates and sometimes some banks are more aggressive than others and vice versa. So, it would be a shame to exclude another already authorized bank that does business with us from this type of opportunity; that's all. Because, it would limit the City's opportunity to earn more interest in the long term.

Mayor Gillock: We'll look at that.

President Corcoran: Thank you, Mr. Boose. Any other comments? Clerk, please call the roll on the motion to adopt with the emergency.

Yes, 6 No, 0 Abstain 1 (Buescher)

Assistant Clerk of Council Cope: Motion has been adopted by a vote of six, zero, one and T 2 becomes permanent resolution number 1183-2010 with the emergency.

Permanent Resolution No. 1183-2010

Assistant Clerk of Council Cope:

T 3-2010 A RESOLUTION PURSUANT TO NRCO 214.01, PROCEDURES FOR SALES
1184-2010 BY INTERNET AUCTION, EXPRESSING LEGISLATIVE INTENT TO SELL
CERTAIN PROPERTY BY INTERNET AUCTION.

First Reading

moved by Buescher, seconded by Boose to dispense with the second and third readings for T 3

President Corcoran: Clerk, please call the roll.

Yes, 7 No, 0

Assistant Clerk of Council Cope: Second and third readings have been dispensed with by a vote of seven to zero.

moved by Buescher, seconded by Boose to adopt

moved by Buescher, seconded by Boose to add the emergency to aid the Police Department in disposing of these items

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

Yes, 7 No, 0

Assistant Clerk of Council Cope: The emergency has been added.

President Corcoran: It was moved by Buescher and seconded by Boose to adopt T 3 with the emergency. Is there any discussion? Clerk, please call the roll.

Yes, 7 No, 0

Assistant Clerk of Council Cope: T 3 has been adopted with the emergency and becomes permanent resolution number 1184-2010.

Permanent Resolution No. 1184-2010

President Corcoran: That is the end of first readings and moving on to the second readings, T 106.

SECOND READINGS:

Assistant Clerk of Council Cope:

T 106-2009 AN ORDINANCE AMENDING SUBSECTION H AND REPEALING
SUBSECTION K OF NRCO SECTION 1044.02, CONNECTION CHARGES.
Second Reading

President Corcoran: Moving on to the third readings, T 108.

THIRD READINGS:

Assistant Clerk of Council Cope:

T 108-2009 AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF
4715-2010 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.

Third Reading

moved by Buescher, seconded by Olesen to adopt T 108.

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

Yes, 7 No, 0

Assistant Clerk of Council Cope: T 108-2009 has been adopted by a vote of seven to zero and becomes permanent ordinance number 4715-2010.

Permanent Ordinance No. 4715-2010

COMMITTEE MEETING ANNOUNCEMENTS:

President Corcoran:

Next Regular Council Meeting Tuesday, January 19, 2010 at 7:30 P.M. in Council Chambers.

ADJOURNMENT:

moved by Butkowski to adjourn

Meeting adjourned at 8:36 P.M.

Approval of Minutes:

MOTION Johnson 2ND Olesen DATE January 19, 2010

YES 7 NO 0 ABSTAIN 0