

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING MARCH 21, 2011**

CALL TO ORDER: 7:30 P.M.

President Kevin Corcoran: I call to order the regular Council meeting Monday, March 21, 2011. Please rise 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, Robert Olesen, Bernadine Butkowski, Roseanne Johnson and President Kevin Corcoran.

Also, present were Mayor David Gillock, Safety-Service Director Jeffrey Armbruster, Law Director Andrew Crites, City Engineer Scott Wangler, ~~Deputy Auditor Teresa Machovina~~ Auditor Chris Costin and Clerk of Council George Smith.

MINUTES - Corrections (if any) and Approval:

Public Hearing Minutes of March 7, 2011 re: Wroblewski agricultural district

President Corcoran: Are there any objections to approving those minutes? Seeing none, those minutes are approved.

Public Hearing Minutes of March 7, 2011 re: T 19-2011

President Corcoran: Are there any objections to approving those minutes? Seeing none, those minutes are approved.

Council Minutes of regular meeting March 7, 2011

President Corcoran: Are there any objections or corrections to those minutes? Seeing none, those minutes are approved.

President Corcoran: Please note:

Planning Commission Minutes of regular meeting March 8, 2011.

LOBBY:

President Corcoran: We've now arrived at the lobby session of our meeting. This is your opportunity to bring your concerns to Council. If you wish to speak to Council, you will have three minutes to do so. When you approach the podium, please state your name and address for the record. Right now, the lobby session is open, so whoever would like to address Council, please come up to the podium.

1) Barb Sutton of 34104 Gina Drive spoke regarding the flooding that has occurred on her property over the last 30 years and how much she has lost due to those occurrences. She explained the loss she had during this last flooding, which included sewage and requested that something be done because something is definitely wrong. She continued to explain that there were 20 houses on her street that flooded massively and stated that the Robinson's Ditch is not deep enough or wide enough. It needs to be 25 to 35 feet deep and 20 feet wide.

moved by Buescher, seconded by Boose to allow Mrs. Sutton another three minutes

President Corcoran: All those in favor say yes. Those opposed say no.

Yes, 7 No, 0

Barbara Sutton continued to state that more needs to be done in the community for the people that live here and construction in this City needs to slow down a bit because the City can't handle what it has right now. She explained that the Robinson's Ditch needs to be made bigger and a fence be placed around it for safety reasons.

Council Member Olesen: Mr. President, may I add a comment to what Mrs. Sutton said? She is absolutely right about the flooding in that area. I lived on Pitts Boulevard back in 1968 and I remember someone taking a canoe at the intersection of Pitts and Gina to get across it. That was a long time ago. We have taken steps to try to alleviate this. We put a retention basin west of Pitts. It is obvious that this is not working. I think we really have to take a close look at it and perhaps digging the ditch deeper is the answer. I don't know what the answer is, but she is absolutely right because I've seen those houses and my heart goes out to those people. They have lost so much and it is really bad.

President Corcoran: Is there anybody else that would like to speak to Council this evening?

2) Keith Holzhauser of 34164 Gina Drive spoke regarding the flooding on Gina Drive. He asked what will be done to help alleviate this problem in the future. He stated that his home is in a flood plain. He addressed President Corcoran and asked what he has done in the last five years. President Corcoran: Unfortunately, this is not a give and take session where we get to reply, but you are addressing Council and some of the issues are engineering, which is more along the lines of Administration and that is something that we have to work together on to try and resolve. I have only been in this position for five years, so I can't answer that question.

3) Bob Pemberton of 6462 Debbie Drive spoke regarding the flooding on Debbie Drive. He

explained that it is physically impossible for that creek to flow north toward Center Ridge. He explained that the retention basin did not overflow during the flood. However, he had five feet, ten inches of water this year and he noted all the items he lost. He explained that there is a tremendous problem with the Robinson Ditch and the storm drains.

President Corcoran: Mr. Pemberton, your three minutes are up and there are rules, unfortunately, and I'm just here to enforce them. The rules are that you have to wait until somebody grants you an additional three minutes to speak.

 moved by Buescher, seconded by Butkowski to allow Mr. Pemberton another three minutes

President Corcoran: All those in favor say yes. Those opposed say no.

 Yes, 7 No, 0

Bob Pemberton continued to explain the drainage issue that is at the end of the creek. He explained that he had 18 inches of water in his back yard.

4) Gene Kleinholz of 7324 Dyke Road spoke regarding the flooding in the City and stated that these problems were all here way before these people took their seats, but the baton has been passed to them. He explained that it would be interesting to find out how many acres of wetlands the City has lost in the last decade and try to understand some of these problems and stated that there are areas where houses should probably have never been built. He explained that there are 61 retention basins in the City and the City has made strides regarding these issues. It is his belief that the City has to retain more open space to retain the water.

 moved by Boose, seconded by Buescher to allow Mr. Kleinholz up to an additional three minutes

President Corcoran: All those in favor say yes. Those opposed say no.

 Yes, 7 No, 0

Gene Kleinholz continued to explain the mitigation and the impact a new subdivision has on the neighborhood and that when projects are being reviewed, they need to be looked at in terms of elevation so that they don't create an undue hardship on the abutting properties.

Mayor Gillock: Mr. President, if I could make a few comments in regards to some of these concerns that the residents brought up. There are two main issues here. One is sanitary and one is storm and regards to the sanitary, there is no good reason for a backup. That is something that is depending upon a system that we have built and that other cities have built. Since August 20, 2005 when we had the last flood; with Council's help, we've added hundreds of thousands of dollars to our budget each year to try and address the sanitary issue. We hired an engineering firm, we installed flow meters, we divided the City into priority basins, we have performed manhole rehabilitation, we have replaced lines, we have realigned lines, we have cleaned lines and we will continue to do that and work on the sanitary issue. We are not perfect, obviously, and we did do better this time, but it is something that we need to continue working on and we will with our collection system. Storm water is a little bit more complicated, as Mr. Kleinholz correctly pointed out. It is really a regional issue. Most of our flooding is occurring in the older

parts of the City, which for years they have always flooded as Mr. Olesen pointed out, but not as badly as they do now. The new developments, Waterbury, Meadow Lakes, Stonebriar and in the west end of the system; that are going through the westerly sewers, are not having problems. It is occurring in areas where we didn't used to have problems or the problems weren't as bad. Why is that? It is because all this water in the water shed has to go northwest and to the lake. It goes through Avon, Sheffield, Avon Lake, Sheffield Lake to get to Lake Erie. We have been working with the Lorain County Mayors. Several of us got together and we received a grant that we applied for. We have been studying storm water on a regional basis. We have taken it to the County Commissioners and said we need a regional plan to help us address that because it doesn't matter if we widen the Robinson Ditch to 50 feet wide and 100 feet deep, if that water can't get out of the City, it is going to flood. It backs up. It is not always the amount of water that is coming into the system, we have to get it out and if it can't get through Avon, then we've got problems and if Avon can't get it through Sheffield, they have problems. So, we are continuing to work on a regional basis to try to address storm water issues and we will continue to do that. It doesn't make anybody who flooded on August 20, 2005 and February 28, 2011, feel any better. Those are dates that I will always have ingrained in my memory forever. However, we are aware of them and we have made a lot of improvement on the sanitary side and we need to do more on the storm water side. As Gene pointed out, we have 61 retention basins. Retention ponds are built and designed for the 100 year storm and they are supposed to collect all the water from that parcel that would be generated during a 100-year storm and hold it and release it at the same rate as if the development hadn't taken place. They do work. The problem is still that, if we can't get rid of the water, then we have a problem. We will continue to work with our neighbor sisters. The Mayors have worked together, but it is not just a North Ridgeville problem. It is a regional problem that we need to work on together.

President Corcoran: Is there anybody else that would like to address Council this evening.

5) Victoria Fink of 7464 Root Road spoke regarding a note she received from Allied Waste which stated that she would be receiving garbage cans. She stated that she has no flat place to put them nor does she have any place to store them. She has no flat place to put them at the end of her driveway and asked what she is suppose to do with them. She explained that she does not want the garbage can and expressed her opposition to this occurring without her being able to provide her opinion as a tax payer. She asked that Council reconsider the issue.

6) Tori McConoughey of 38035 Springwood Court introduced herself as the President of the Green Team here in North Ridgeville and spoke regarding the automated trash system and provided a website www.ngreenteam.org for people who would like to learn more about recycling. She explained the reasons for recycling and feels that it is a great step for the environment.

7) Bob Slovak of 7145 Case Road spoke regarding the recycling system and expressed his opposition due to the fact that he will not be able to move these containers that are going to be on his property.

Council Member Buescher: Mr. President, I was just wondering if Mr. Slovak called Allied to see if there could be some exception for his situation.

Bob Slovak stated that the first time he called he waited 32 minutes. The second time he called it was a 17 minute wait. He then called down to Mr. Whitlock three times and finally a lady took care of him. He explained that he has lived in this town for 43 years and never knew that you could get a break if you were a senior. He asked if there was some way to get the word out to the seniors, because he didn't know about that.

Council Member Buescher: Mr. President, may I suggest that something be put on the water bill.

Mayor Gillock: It is on there.

President Corcoran: Is there anybody else that would like to address Council this evening?

Seeing none, we will move on to the Administrators reports. Mr. Mayor.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you, Mr. President. Just a couple quick items this evening. The garbage program with the recycled containers is beginning April 1. The cans are being delivered today and next Monday. Every community in Lorain County, including the townships, with the exception of Lorain, is doing recycling with the containers. We ran a 1,000-home pilot with almost ten percent of the community and there are issues, but no program is perfect. We worked through them and the program works well. We will continue to work with those issues. There is not an exception for cases such as this. We are talking to Allied Waste, but there are options from the 95 to 65 gallon containers. We will work through those. The program does work. Don't use the containers yet until April 1 because they don't have the trucks yet and they can't pick them up. We will work through that. I did want to make one other report to just a select few residents. We had an issue in the neighborhood where I live, Main, Broad and Pleasant. We had a gentleman named Dr. Robert Indian from the Ohio Department of Health, EPA working on a study regarding cancer incidents in the area. He was to have a study completed. I believe he indicated that he could have that done by the end of February. However, they have informed us that due to other things that have come up, he hasn't completed the study yet, but they are continuing to work on it. That is kind of a status report we received indicating that it has been delayed, but it is still underway. That concludes my report.

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

B. Safety-Service Director:

Safety-Service Director Armbruster: To add to the blue cans that are being delivered, we have actually added a section on the web page for North Ridgeville that brings you back to the Green Team. It also goes to frequently asked questions that you can go and search these questions that have come up. I had one today that had to do with dog food bags, the great big ones, and unfortunately, you can't use those. They can't be used for recycling just based on how they have beefed the dog food bags up to keep the dog food dry. Unfortunately, in the past, you had been able to do that, but that is not something that you can use at this point. These are the kind of questions that come up as you look at the web page and go there. If you don't have access, you can come in and we will help you or you can call us. Our phones were ringing off the hook today and we were able to field every question with the exception of the question regarding the dog food bag. That was one that I didn't know the answer to. That project will continue to move forward and as the Mayor said, April 1, when we get the trucks, you can start using those containers.

With regards to flooding and what the City has done, I personally have walked with a group the Highland Ditch, which is in the Highland area that comes through there. We have walked the Robinson Ditch. I know that our intent was to go out there this week and our intent still is to go out there this week and physically walk that ditch and see the exact flow. We've got pictures. We had the Engineering staff that was working that day. We've got the flood maps in the City of North Ridgeville with the pictures delineated; actually attached, to those in different areas. We are very aware and it is unfortunate that anyone in North Ridgeville would get flooded; not only from storm water, but also, when it comes to waste. We have done much better, but as the Mayor stated, we need to do better and we will continue to improve the system; even to the point where recently we discovered that there was not only one beaver, but several beavers and the joke in City Hall is that they have condominiumized all the property up by 480 and had one dam after another and we are cleaning all that out, because the last thing you want is a beaver dam to give way and then you have a wall of water. Those are the kinds of things we are doing in working toward helping to alleviate the flooding, as well as, working with the City of Avon and when we see something that is happening over there; if there is a blockage, then we are informing them and asking them to take care of it as quickly as possible. We have really worked hard and this Council certainly wants us to work hard as a community to alleviate any problems when it comes to water or sewer backup. That completes my report.

President Corcoran: Thank you, Mr. Safety-Service Director. Mr. Engineer.

C. Engineer:

Engineer Wangler: Yes, as the Safety-Service Director indicated, I was out walking the ditch with him and members of my staff have been out responding to complaints and trying to sort out issues that became apparent when we had the big ran. I want to take this time to remind people,

as we have run into this from time to time, that the ditches need to remain free and clear of debris. I don't want grass clippings, leaves, pallets, spools and car tires and even things that you think are up on the bank, when it rains hard enough and when the water gets high enough, that stuff gets carried down and creates obstructions. The people that put stuff there, we can't keep it up. It has to be a team effort and everyone has to police their own area. That is the end of my report.

President Corcoran: Thank you. ~~Ms.~~ Auditor.

D. Auditor:

Auditor Costin: Thank you, Mr. Chairman. The first item of financial business is the Auditor's report for February that Council should have already received. Under comments, I would bring to your attention under ordinances and resolutions, T 39-2011, which represents the 2011 permanent appropriation's ordinance. I would request that be passed tonight with the emergency so it will be in effect by March 31 and meet our statutory deadline. Most of you were at the appropriation meetings. However, I would be glad to answer any detailed questions you might have when it comes up for its reading. Upon passage of T 39, Council would then be able to pass T 3 through T 9 under old business, which are the various bid ordinances and T 43 and T 44 under ordinances and resolutions. Each of those could be passed tonight if you so wish and I don't believe any of them will require the emergency. Thank you.

President Corcoran: Thank you, Mr. Costin.

E. Other Reports:

President Corcoran: Other reports:
Treasurer's Annual Report for 2010;
Building Department Report for February 2011 and
Water Systems Operation Report for February 2011.

COUNCIL COMMITTEE REPORTS:

President Corcoran: There are no Council Committee Reports, but we do have some correspondence.

CORRESPONDENCE:

Clerk of Council Smith:

- 1) Received a letter from Council Member Roseanne Johnson informing members that she has been omitted from emails and is requesting Council to seek a solution that insures all members are properly and equally informed of all pending Council business.

2) Received a letter from Dave Yost, Auditor of State, notifying City Officials of the pre-engagement meeting on March 21, 2011.

3) Received a letter from Paradigm inviting Council to attend a free annual pipeline safety emergency response program. Various dates and times have been provided in their written correspondence.

President Corcoran: That is the end of correspondence.

OLD BUSINESS:

 moved by Corcoran, seconded by Olesen to move T 3 through T 9 to third readings on our agenda

President Corcoran: Any comments or questions about that? All those in favor say yes. Those opposed say no.

 Yes, 7 No, 0

President Corcoran: T 3 through T 9 will be on third readings. That brings us to new business.

NEW BUSINESS:

President Corcoran: First up, during the last meeting; if you hadn't heard, our Assistant Clerk of Council, Paula Cope decided to retire after 33 years of serving the City and we hired a new Assistant Clerk of Council, Tara Maine and I just wanted to introduce everybody to her. Tara, would you please let everybody know who you are?

Assistant Clerk of Council Tara Maine: Hi, I am Tara, your new Assistant Clerk of Council. I look forward to working with the Administration, Council and residents of the City of North Ridgeville.

President Corcoran: Thank you, Tara. First up, the application.

Clerk of Council Smith:

Application for placement of farmland in an Agricultural District from Robert Slusher for 9.31 acres location at 5189 Stoney Ridge Road

 moved by Corcoran, seconded by Olesen to accept the application with modification and ask our Law Director to prepare legislation for the next Council meeting

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.

 Yes, 7 No, 0

Clerk of Council Smith:

Application for placement of farmland in an Agricultural District from James and Loretta A.

King for 8.27 acres located at 5201 Stoney Ridge Road

 moved by Corcoran, seconded by Boose to accept the application with modification and
 ask our Law Director to prepare legislation for the next Council meeting

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say
no.

 Yes, 7 No, 0

Clerk of Council Smith:

Application for placement of farmland in an Agricultural District from Bernard W. and Nancy L.
Fate for 28.26 acres located on Lorain Road

 moved by Corcoran, seconded by Olesen to accept the application with modification and
 ask our Law Director to prepare legislation for the next Council meeting

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say
no.

 Yes, 7 No, 0

Clerk of Council Smith:

Planning Commission recommendations to Council from their March 8, 2011 meeting:

APPLICANT: Thomas M. Collier, Wagler Enterprises, LLC, 3700 Tabs Drive, Uniontown, OH
44685

OWNER: Wagler Enterprises, LLC, 3700 Tabs Drive, Uniontown, OH 44685

REQUEST: Approval of existing private streets to be reconstructed as public right-of ways in
 a Cluster Area of a PCD

LOCATION: Stonegate Circle and Danforth Court in Stonegate Subdivision at Waterbury PCD,
 Phase 1 of Subdivision 1
 Permanent Parcel No. 07-00-036-000-338

PC ACTION: Approved by a vote of five to zero.

 moved by Olesen, seconded by Jaenke to accept the Planning Commission's
 recommendation

President Corcoran: Any comments or questions?

Council Member Jaenke: Mr. President, I did attend the Planning Commission meeting and this
is a very positive move. Wagler Enterprises originally had this phase approved for private streets
and as we know, private streets can be a problem for residents in terms of snow removal and in
terms of street repair. The developer requested that phase one, subdivision one be approved for
public streets, which is a very positive move. The plan was approved by the City Engineer and
what that means is that residents that will be buying property, will be buying property on a public
street, which is maintained by the City. That is all I have.

Mayor Gillock: I want to make it clear that by converting this street from private to public, the
applicant is committed to rebuild the street. Basically, they are going to tear it completely out

and rebuild it to City standards. They are adding sidewalks and they do have a variance, which relates only to the width of the right-of-way, but this is not just a simple matter where you might see in other areas of the City, where there are private streets and to just ask that they become public streets and we just allow that to happen. They are going to have to spend a lot of money to rebuild that street to make it meet City standards for this to happen. Thank you.

Council Member Butkowski: Mr. Chairman, as I was reading over the report and what they are planning on doing, I don't have a problem with them changing those to public streets, but they are asphalt streets. They can replace what they have there with asphalt, but they are going to have two new phases and those are also going to be asphalt and I think that they should be concrete so that they are easier to maintain. I don't understand why, because it is going to be all brand new, why concrete can't be put in instead of asphalt. So, I will be voting no on this.

Mayor Gillock: Our ordinances allow either, so if Council wanted to pass an ordinance requiring all new streets be concrete, they can do that, but the ordinance right now allows asphalt or concrete.

President Corcoran: Any other comments or questions. We had a motion by Olesen, seconded by Jaenke to approve the Planning Commission recommendation. Clerk, please call the roll.

Yes, 6 No, 1 (Butkowski)

Clerk of Council Smith: Planning Commission recommendation has been approved.

President Corcoran: T 19-2011

Clerk of Council Smith:

T 19-2011 AN ORDINANCE ACCEPTING CERTAIN PROPERTY AND DEDICATING IT FOR PUBLIC USE. (donated land along Breck Court and Center Ridge Road to be used as a new right-of-way for the purpose of widening)

PC ACTION: Recommended, by a vote of five to zero, that Council approve T 19.

 moved by Buescher, seconded by Jaenke to accept the Planning Commission's recommendation

Council Member Olesen: I thought this might be on its third reading. I'm not positive, but my notes say that it is.

President Corcoran: Any comments or questions about the Planning Commission action?

Council Member Jaenke: Mr. President, we know that there will be a new McDonald's built on Center Ridge near the corner of Route 83. This actually provides a turning lane for the new McDonald's restaurant. It is a very positive thing.

President Corcoran: Any other comments or questions? All those in favor say yes. Those opposed say no.

Yes, 7 No, 0

President Corcoran: T 39

Ordinance and Resolution Submittals:

Clerk of Council Smith:

T 39-2011 AN ORDINANCE PROVIDING FOR THE APPROPRIATIONS OF MONEY FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2011 AND ENDING DECEMBER 31, 2011.

 moved by Olesen, seconded by Jaenke to suspend By-Laws to give T 39 a first reading this evening

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say in.

 Yes, 7 No, 0

President Corcoran: T 39 will have its first reading this evening.

President Corcoran: T 42.

Clerk of Council Smith:

T 42-2011 AN ORDINANCE AMENDING NRCO SECTION 1444.01 OUTDOOR ADVERTISING SIGNS BY INCREASING THE FEE(S) FOR CERTAIN TYPES OF SIGNS.

President Corcoran: T 43

Clerk of Council Smith:

T 43-2011 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO PURCHASE/LEASE TEN NEW POLICE VEHICLES FROM THE STATE CO-OP, OR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT TO EXCEED \$275,000.00

 moved by Olesen, seconded by Jaenke to suspend By-Laws to give T 43 a first reading this evening

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say in.

 Yes, 7 No, 0

President Corcoran: T 43 is added to first readings this evening.

President Corcoran: T 44

Clerk of Council Smith:

T 44-2011 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ENTER INTO A PARTICIPATION AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF SODIUM CHLORIDE FOR THE 2011/2012 WINTER SEASON, PURSUANT TO RESOLUTION NO. 693-90.

moved by Boose, seconded by Buescher to suspend By-Laws to give T 44 a first reading this evening

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say in.

Yes, 7 No, 0

President Corcoran: T 44 is added to first readings this evening.

Mayor Gillock: Mr. President, we reached the recess on the agenda and I didn't bring this up during the Mayor's report, because I want to respond to the resident's concerns.

moved by Gillock, seconded by Johnson to replace the recess with an Executive Session to discuss negotiations

President Corcoran: All those in favor say yes. Those opposed say no.

Yes, 7 No, 0

Council adjourned into Executive Session at 8:27 P.M. to discuss negotiations.

Council reconvened at 8:47 P.M.

RECESS:

President Corcoran: Unless there is an objection, we are going to dispense with recess and move right on to first readings. First readings, T 36.

FIRST READING:

Clerk of Council Smith:

T 36-2011 AN ORDINANCE AMENDING NRCO SECTION 1064.02 MULTI-SERVICE
4826-2011 CENTER. (rental fees)

First Reading

Mayor Gillock: Mr. President, just a comment. A lot of funding for our Case Worker at the Senior Center is paid for by the Lorain County Office of Aging. They have always provided a grant. However, they have lowered that grant this year as part of what is happening in government financing by about 13,000 dollars. So, as part of our efforts to make up for that loss of revenues, this is just one of the items we are doing is raising the rental rate on the Multi-Service Center.

President Corcoran: Mayor, are you suggesting that we pass this tonight then, to make up for the loss of revenue from Lorain County?

Mayor Gillock: That would help. I don't know if we have any rentals coming up, but the sooner the better.

moved by Mayor Gillock, seconded by Buescher to dispense with the second and third readings for T 36

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.

Yes, 7 No, 0

moved by Olesen, seconded by Butkowski to adopt T 36

President Corcoran: Any comments or questions?

moved by Olesen, seconded by Jaenke to add the emergency in order to get the funds in earlier

President Corcoran: On the emergency clause, are there any comments or questions? All those in favor say yes. Clerk, please call the roll on the emergency clause.

Yes, 6 No, 1 (Johnson)

Clerk of Council Smith: The measure passed with one no vote.

President Corcoran: Now we have the motion was made by Olesen, seconded by Butkowski to adopt T 36 with the emergency clause. Is there any discussion?

Auditor Costin: Because you are putting the emergency on this, there may be some confusion. I recommend that Council put an effective date of perhaps, April 1 or May 1 or some date as opposed to the date it is signed. There may be some issues with some contracts in process. I don't know if there are, but it wouldn't hurt to have the fee increase to become effective April 1.

President Corcoran: Mr. Law Director?

Law Director Crites: In the absence of specifying its effective date, it would follow the date the ordinance is signed.

Auditor Costin: We will just have it signed on April 1?

Law Director Crites: Unless there was a reason to have it coincide with some fiscal calendar.

Mayor Gillock: I think we should recognize that if there are any commitments to rent the facility in place, they should not be charged a new fee.

President Corcoran: I think we should put it in just to be safe, right?

Council Member Boose: To the Mayor's point, I would certainly recommend that if there are already contracts out there signed by the City and potential Lessee, that, that contract be recognized as signed and not have to pay the increased rate. Just like anything else, if you already negotiated in good faith, then whatever fee you charged, they shouldn't have to pay more.

Law Director Crites: May I? Because there is no retroactivity clause here, if there is a contract in place, the passage of this ordinance will not change that. What kind of volume are we looking at here in rentals? Are there seven a week or one a month?

Mayor Gillock: One a month.

Law Director Crites: So, I couldn't believe that we would have any problem. If there is a contract that is being negotiated and we pass this, then there could be a problem with it, but I don't think that is the case.

Mayor Gillock: Actually, there may be at least one a week.

Council Member Boose: If someone has already contracted for September 4 to have their baby shower, they will still get the rate that they signed up for?

Law Director Crites: If they have contracted for it and if that physically takes place with these rentals, as I don't know if there is a rental agreement or if they agreements are made with a phone call.

Council Member Boose: There is an agreement.

Law Director Crites: If there is an agreement signed, this ordinance won't change that. That would be my official legal interpretation.

President Corcoran: Is everybody clear on that? So, we are having the roll called on this issue of adopting T 36 with the emergency clause.

Yes, 7 No, 0

Clerk of Council Smith: Passed unanimously and becomes ordinance number 4826-2011.

Permanent Ordinance No. 4826-2011

President Corcoran: T 37.

Clerk of Council Smith:

T 37-2011 AN ORDINANCE APPROVING THE FINAL PLAT OF HAMPTON PLACE
SUBDIVISION PHASE 2 IN FOR RECORDING PURPOSES ONLY.

First Reading

President Corcoran: T 40.

Clerk of Council Smith:

T 40-2011 A RESOLUTION TO APPROVE WITH MODIFICATION THE APPLICATION
1224-2011 MADE BY RAYMOND W. AND SARAH M. WROBLEWSKI TO HAVE
CERTAIN LAND OWNED BY THEM DESIGNATED AS BEING LOCATED
WITHIN AN AGRICULTURAL DISTRICT.

First Reading

moved by Olesen, seconded by Butkowski to dispense with the second and third readings for T 40

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.

Yes, 7 No, 0

moved by Olesen, seconded by Butkowski to adopt T 40

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.

Yes, 7 No, 0

President Corcoran: T 40 is adopted and becomes resolution number?

Clerk of Council Smith: Resolution number 1224-2011.

Permanent Resolution No. 1224-2011

T 41-2011 A RESOLUTION TO APPROVE WITH MODIFICATION THE APPLICATION
1225-2011 MADE BY ROBERT WENSINK, ETAL, TO HAVE CERTAIN LAND
OWNED BY HIM DESIGNATED AS BEING LOCATED WITHIN AN
AGRICULTURAL DISTRICT.

First Reading

moved by Olesen, seconded by Butkowski to dispense with the second and third readings for T 41

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.

Yes, 7 No, 0

moved by Olesen, seconded by Butkowski to adopt T 41

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.

Yes, 7 No, 0

President Corcoran: T 41 is adopted and becomes resolution number?

Clerk of Council Smith: Resolution number 1225-2011.

Permanent Resolution No. 1225-2011

President Corcoran: T 39.

Clerk of Council Smith:

T 39-2011 AN ORDINANCE PROVIDING FOR THE APPROPRIATIONS OF MONEY
4827-2011 FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY
OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING
JANUARY 1, 2011 AND ENDING DECEMBER 31, 2011.

First Reading

moved by Johnson, seconded by Butkowski to dispense with the second and third readings for T 39

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.

Yes, 7 No, 0

moved by Johnson, seconded by Butkowski to adopt T 39

moved by Johnson, seconded by Butkowski to add the emergency for the health and welfare of the City

President Corcoran: Any comments or questions about the emergency clause? All those in favor say yes. Those opposed say no.

Yes, 7 No, 0

President Corcoran: It was moved by Johnson and seconded by Butkowski to adopt T 39 with the emergency clause. Clerk, please call the roll.

Council Member Boose: Mr. President, may I make a comment? The final appropriations before us are not perfect by any means. They never are, but I believe that the Committee and the

Administration worked very hard and diligently on what you see before us; over several weeks and I want to once again commend Chris Costin and his staff in the Auditor's office for all that they did and I also want to commend all of the Department Heads who came before the Appropriation's Committee. None of them came with wish lists. They came with things that were needed and that helped our job tremendously. This budget does a couple of things. First off, it does revert back to the 85/15 split for operating, funding and capital improvement funding. So, that goes back to last year when we had to increase the split to help cover some of the operating expenses. Though the budget before us spends approximately one million dollars more than revenues generated in the General Fund and eats up two thirds of our year-end carryover, the Administration, last year, proved that it was able to do better than the budget through a number of means and it is my hope that they can do so again this year. We've also acknowledged that the sewer fund and sewer improvement funds still need to be addressed, but we have acknowledged that some sort of residential increase will be forthcoming after our analysis has been completed that will help offset some of those expense increases. The solid waste management deficit spending will also need to be addressed. It has been recommended during the appropriation process that, perhaps passing on any contractual increases that are in that contract to the residents in future legislation, which will again help with the deficit spending. Again, as I said it is not perfect, but it is a good overall approach to balancing the budget with the least amount of pain for the majority of our residents and I wholeheartedly recommend that Council consider approval. Thank you.

Council Member Johnson: I just want to echo my thanks to the Administration, the Auditor's Office, the Members of the Finance Committee and all the Department Heads. I think that everyone really came to the table with realistic figures and a good approach to this. I just want to say thank you.

President Corcoran: Anybody else?

Council Member Butkowski: Mr. Chairman. I've sat through a lot of these appropriation meetings with big wish lists that were brought in by all the Departments and I've never seen such small lists of things that were really needed and that is all they even asked for and I think that everyone should be commended for the job that they did to keep our budget as slim as possible. Thank you.

President Corcoran: Anybody else? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Smith: Measure passed unanimously and it becomes ordinance number 4827-2011.

Permanent Ordinance No. 4827-2011

President Corcoran: T 43.

Clerk of Council Smith:

T 43-2011 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH

4828-2011 RIDGEVILLE TO PURCHASE/LEASE TEN NEW POLICE VEHICLES FROM THE STATE CO-OP, OR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT TO EXCEED \$275,000.00

First Reading

moved by Boose, seconded by Buescher to dispense with the second and third readings for T 43

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.

Yes, 7 No, 0

moved by Boose, seconded by Buescher to adopt T 43

President Corcoran: Are there any comments or questions on the adoption? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Smith: Measure is adopted unanimously and it becomes ordinance number 4828-2011.

Permanent Ordinance No. 4828-2011

T 44-2011 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4829-2011 RIDGEVILLE, OHIO, TO ENTER INTO A PARTICIPATION AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF SODIUM CHLORIDE FOR THE 2011/2012 WINTER SEASON, PURSUANT TO RESOLUTION NO. 693-90.

First Reading

moved by Boose, seconded by Buescher to dispense with the second and third readings for T 44

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.

Yes, 7 No, 0

moved by Boose, seconded by Buescher to adopt T 44

President Corcoran: Are there any comments or questions? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Smith: Measure is adopted unanimously and becomes ordinance number 4829-2011.

Permanent Ordinance No. 4829-2011

SECOND READINGS:

President Corcoran: There are no second readings. Moving on to third readings. First up, we have T 19.

THIRD READINGS:

Clerk of Council Smith:

T 19-2011 AN ORDINANCE ACCEPTING CERTAIN PROPERTY AND DEDICATING
4830-2011 IT FOR PUBLIC USE. (donated land along Breck Court and Center Ridge Road
to be used as a new right-of-way for the purpose of widening)

Third Reading

moved by Boose, seconded by Buescher to adopt T 19

President Corcoran: Any comments or questions? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Smith: Measure is adopted unanimously and becomes ordinance number 4830-2011.

Permanent Ordinance No. 4830-2011

President Corcoran: We are going to T 3 and because these ordinances are routine matters, I will be conducting these by voice vote.

Council Member Olesen: Mr. President, would it be beneficial to pass these with the emergency tonight?

President Corcoran: No.

Mayor Gillock: Mr. President, these are our annual purchases that we make to basically run the City. These are items such as concrete, asphalt, and so forth. We want to get them passed, but it will take us at least 30 days to prepare the ordinances, get them advertised and set up the meetings for the bids, so we really don't need the emergency.

President Corcoran: T 3.

Clerk of Council Smith:

T 3-2011 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4831-2011 RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND NEGOTIATE A
CONTRACT FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW
AND IN A MANNER PRESCRIBED BY LAW, TO FURNISH AND/OR
DELIVER CONCRETE TO BE USED BY THE CITY OF NORTH
RIDGEVILLE, OHIO.

Third Reading

moved by Olesen, seconded by Jaenke to adopt T 3

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.

Yes, 7 No, 0

President Corcoran: T 3 is adopted and becomes ordinance number?

Clerk of Council Smith: Ordinance number 4831-2011.

Permanent Ordinance No. 4831-2011

President Corcoran: T 4.

Clerk of Council Smith:

T 4-2011 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4832-2011 RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND NEGOTIATE A
 CONTRACT FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW
 AND IN A MANNER PRESCRIBED BY LAW, FOR THE PURCHASE OF
 ASPHALT AND RELATED MATERIALS TO BE USED BY THE CITY OF
 NORTH RIDGEVILLE, OHIO.

Third Reading

 moved by Johnson, seconded by Butkowski to adopt T 4

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.

 Yes, 7 No, 0

Clerk of Council Smith: Measure passed and it becomes ordinance number 4832-2011.

 Permanent Ordinance No. 4832-2011

President Corcoran: T 5.

Clerk of Council Smith:

T 5-2011 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4833-2011 RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND NEGOTIATE A
 CONTRACT FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW
 AND IN A MANNER PRESCRIBED BY LAW, FOR THE PURCHASE OF
 LIMESTONE AND SAND TO BE USED BY THE CITY OF NORTH
 RIDGEVILLE, OHIO.

Third Reading

 moved by Butkowski, seconded by Johnson to adopt T 5

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.

 Yes, 7 No, 0

President Corcoran: T 5 is adopted and becomes ordinance number?

Clerk of Council Smith: 4833-2011.

 Permanent Ordinance No. 4833-2011

President Corcoran: T 6.

Clerk of Council Smith:

T 6-2011 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4834-2011 RIDGEVILLE TO ADVERTISE FOR BIDS AND NEGOTIATE A CONTRACT
 ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR
 THE RENTAL OF EQUIPMENT AND RELATED SERVICES FOR ROAD
 REPAIR AND MAINTENANCE TO BE USED BY THE SERVICE
 DEPARTMENT.

Third Reading

President Corcoran: T 9.

Clerk of Council Smith:

T 9-2011 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4837-2011 RIDGEVILLE TO PURCHASE A DUMP TRUCK, INCLUDING ALL
 APPURTENANT ACCESSORIES, FROM THE STATE CO-OP, OR TO
 ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH AN
 OUTSIDE VENDOR ACCORDING TO LAW AND IN A MANNER
 PRESCRIBED BY LAW, NOT TO EXCEED \$144,227.00

Third Reading

 moved by Johnson, seconded by Butkowski to adopt T 9

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.

 Yes, 7 No, 0

President Corcoran: T 9 is adopted and becomes ordinance number?

Clerk of Council Smith: 4837-2011.

 Permanent Ordinance No. 4837-2011

COMMITTEE MEETING ANNOUNCEMENTS:

President Corcoran:

Public Hearing to be held Monday, April 4, 2011 at 7:20 P.M. re: agricultural district application from Fate.

Next Regular Council Meeting Monday, April 4, 2011 at 7:30 P.M. in Council Chambers.

ADJOURNMENT:

 moved by Johnson, seconded by Butkowski to adjourn

President Corcoran: All those in favor say yes.

 Yes, 7 No, 0

President Corcoran: Meeting is adjourned.

Meeting adjourned at 9:11 P.M.

Approval of Minutes:

These Minutes were approved at a regular meeting of the North Ridgeville Municipal Council on April 4, 2011.