

**NORTH RIDGEVILLE CITY COUNCIL
MINUTES OF REGULAR MEETING SEPTEMBER 2, 2014**

CALL TO ORDER: 7:30 P.M.

President Corcoran: Calling to order the Tuesday, September 2, 2014 regular Council meeting.

INVOCATION:

Led by President Corcoran.

PLEDGE OF ALLEGIANCE:

Led by President Corcoran.

ROLL CALL:

Present were Council members Terrence Keenan, Dennis Boose, Dr. Ronald Arndt, Robert Olesen, Bernadine Butkowski, Roseanne Johnson, and President Kevin Corcoran.

Also present was Mayor David Gillock, Safety-Service Director Jeffrey Armbruster, Law Director Andrew Crites, City Engineer Scott Wangler, Auditor Chris Costin and Deputy Clerk Donna Tjotjos.

MINUTES - Corrections (if any) and approval:

President Corcoran: You have before you the Council meeting minutes of August 18, 2014. Are there any corrections to those minutes or any objections to approving them? Seeing none, those minutes are approved.

President Corcoran: Please note the Park and Recreation Commission Meeting minutes of July 23, 2014 and the Utilities Committee Meeting minutes of August 18, 2014.

LOBBY:

President Corcoran: That brings us to the lobby session of the meeting. This is your opportunity to address Council. If you would like to do so, we already have two people who have indicated an interest in speaking, please step up to the podium and state your name and address for the record. You will be given three minutes to speak on the topic of your choice. First we have JoAnn Demchak.

JoAnn Demchak of 7495 Noll Drive spoke her concerns with the approval of construction of new homes in North Ridgeville.

Pat Wysocki of 7480 Noll Drive requested consideration be given in researching an emergency warning system in North Ridgeville, specifically alerting residents of the Becker lift station reaching its capacity during a storm.

President Corcoran: Mayor, did you want to bring up what we do have during your report?

Mayor Gillock: Yes.

President Corcoran: Thank you. Is there was anyone else that would like to address Council this evening? Seeing none, we'll move onto the Administrator's reports. Mr. Mayor.

ADMINISTRATORS REPORTS:

A. Mayor: Thank you, Mr. President. Excuse my voice this evening. For some reason it is cracking and I get a little horse, so maybe I'm coming down with something, I'm not sure. First, let me start with Ms. Wysocki's comments regarding notification. We are very close to completing an agreement with Lorain County Emergency Services. They are putting together a notification system throughout the County including the Police and Fire. The Administration will be able to use this for weather alerts, disasters and other things of that sort. It will be able to notify by email, text messages, phone systems, landlines, etc. To be notified in any of those categories, you will have to sign up for them. We will be able to identify certain areas. For example, if we were going to close a street for a certain reason, we could locate it and drill down to that specific area. I'm not sure if we will be able to notify residents on a particular lift station because we have a number of lift stations that are being monitored. We will look into that, but we do have a notification system that we hope will be on line real soon.

The second thing I wanted to mention is at the last meeting we had a discussion in regard to approving the Harvest Ridge Church, Lorain Road sewer extension. There was a question about the condition of approximately 24 sewers that are on Lorain Road in that area and we were going to ask the Lorain County Health Department to make an assessment. Since then, I received information from Harvest Ridge because of the cost associated with extending that line down Lorain Road, they have, at least for now, put that extension on hold while they look at other options. While they are doing that, I've advised the Health Department that we are not going to go ahead with those assessments until we determine there is a real need to do that.

The next item that I have this evening is Vince Laparo has served on our Fair Housing Board for a number of years. His term expired actually July 5th of this year and we have spoken to Vince and he has done a great job and he is willing to serve another three year term.

Moved by Mayor Gillock and seconded by Johnson to reappoint Vince Laparo to the Fair Housing Board with his term beginning July 6, 2014 and runs through July 5, 2017.

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

Yes – 7 No – 0

Mayor Gillock: Thank you. We certainly appreciate Vince's contribution to the City and serving on that Board with the great amount of pay of \$0. So, we appreciate it.

On August 27th I received a notification from an organization named Movoto, which is a real estate brokerage site, who looked at the safest places in Ohio with 20,000 people or more and ranked them based on data from the 2012 FBI crime report and North Ridgeville ranked as the

5th Safest Place to live in the State of Ohio. So, that is good news. We have been rated one of the safest communities in Ohio several times in the past and it is good to get that again.

A letter went out with the water bill in regards to two issues that we will have on the November ballot. There will be a road construction issue for widening Center Ridge Road and Lear Nagle and an Income Tax Issue which includes engineering for roads, bridges, water lines, water tower, a new Fire Department. We have learned that these will be issues 20 and 21 and there will be community forums where these will be discussed and you can come and ask questions as we do in many of our public meetings. We will have some pictures on easels and there will be people there to answer questions. The first forum will be held September 25 at 6:00 P.M. at the North Ridgeville Education Center, Community Room. The second forum will be held October 22nd at 6:30 P. M. at Pioneer Ridge, Del-Web in the Prairie Lodge Community Building. We hope that if you have questions you will come and get them answered. We will be getting information out on these as we get closer to Election Day, but we want people to know what they are all about.

Finally, unfortunately, I will have to miss this as I will be out of the city, but in recognition of 9-11, which is 13 years ago now, the City of North Ridgeville will hold a Remembrance Ceremony on Patriot Day and National Day of Service in Remembrance on September 11th at 8:20 A.M. at the South Central Gazebo Park. It will be held rain or shine and the entire community is encouraged to attend. We will have the North Ridgeville Police Honor Guard there as well as Pastor Crow. Police Chief and Fire Chief will highlight a hero and we will have safety vehicles there and equipment used by the New York Fire Department at the World Trade Center will also be on display. There will also be some refreshments. So, please put that on your calendar if you can. Again, that will be held on September 11th at 8:20 A.M. at South Central Park Gazebo. That concludes my report and thank you, Mr. President.

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

B. Safety-Service Director: Yes, I would like to reinforce the Mayor's comments with regard to the 9-1-1. Normally, it is an opt-out program. This will be an opt-in program. We cannot sign everyone up. It is going to have to be a sign-up by the individual home owner or resident. It is the way it is set up and if you want to be notified as you go through the process, you will opt in as to how you want us to communicate with you. To also reinforce the infrastructure side, Issue 20, not only is it Lear Nagle and Center Ridge Roads, but it will help us with the flooding with the retention basins that we are going to be putting in and the storm sewers up on Center Ridge so, it is extremely important that you look at those issues as you go to the ballot. The safety side is Issue 21 where there is infrastructure issues that City Council has set some priorities up with and one includes the Fire Station and there are several other items on there that will help us with safety as well as other projects in the City as if that is to move forward.

Finally, last year we joined the Brownfield Coalition with the County as did five other communities. We applied for grants to help us with phase one and phase two and additional funding for the projects that we put on the list. We failed to get it through the County last year, but this year we were able to acquire the grant. There will be \$540,000 dollars spent on five

communities. Each community will have at least one project. Our number one project, it wasn't number one but it was on our list, was Highland Sewer Package Plant. It is next to the Highland retention basin that we built a couple of years ago. This will help us out with that project to see what is needed to pull that concrete that is around that package plant that has been left in the ground. The second project was the AT&T building and the abatement of the asbestos and the third was the Ridgeview Shopping Center down the street and the abatement down there. Not knowing exactly, you know how the Federal Government works they don't give you all the details as to how to use the money, they just say that you get it and they will come out the details and the details, but I know that each community of the five that are involved in this, will get a project minimum out of this and maybe more than one on doing environmental studies and telling us what exactly needs to be done as we move forward on clean up and construction of these projects. That completes my report this evening.

President Corcoran: Thank you Mr. Armbruster. Mr. Engineer.

C. Engineer: Thank you, Mr. President. The Maddock Road Bridge is being replaced by the Ohio Turnpike and that project has been underway for some time now. We are kind of used to that detour being in place. The turnpike has guidelines that the contractor has to comply with that sometimes can be difficult to deal with and the contractor spoke to me and said they were having a hard time complying with the turnpike's requirements as well as our regular work hour regulations and asked for some flexibility to our work hours. They are scheduled to pour the bridge deck on September 9th and they have some temperature standards that they have to comply with and depending upon those temperature standards, they will have to start earlier than 7:00 A.M. on that date in order that they get the pour done within the guidelines of the turnpike. That completes my report.

President Corcoran: Thank you Mr. Wangler. Mr. Auditor.

D. Auditor: Thank you. No reports scheduled for tonight.

President Corcoran: Thank you Mr. Costin.

E. Other Reports:

President Corcoran: Other reports, we have the July 2014 Fire Monthly report, July 2014 Police Activity report, April 2014 – July 2014 Building Department reports, July 2014 Mayors Court report, August 2014 Park and Rec Director's report, and the July 2014 Water Distribution report.

COUNCIL COMMITTEE REPORT(S):

Deputy Clerk Tjotjos:

UTILITIES COMMITTEE REPORT dated August 18, 2014. We have considered the matters of:

1. T 85-2014 – An Ordinance authorizing the Mayor to enter into a contract with URS Corporation, according to law and in a manner prescribed by law, for professional engineering services, not to exceed \$146,895.00 and recommend by a majority vote that this request be approved and the attached legislation be adopted.

Moved by Boose and seconded by Butkowski to accept the Utilities report.

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

Yes – 7 No – 0

2. Engineering Study for an EQ Basins and recommend by a majority vote that this request be approved and proper legislation be drawn authorizing the study for EQ basins.

Moved by Boose and seconded by Butkowski to accept the Utilities report.

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

Yes – 7 No – 0

3. Current minimum water usage charges and agreed that no further consideration is required on this topic and that the current ordinance will need to be cleaned up.

Moved by Boose and seconded by Butkowski to accept the Utilities report.

President Corcoran: Any comments or questions?

Councilman Boose: Mr. President, since that meeting there has been further communication in regards to that issue and so, it likely will come back to the Committee for further review and discussion.

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

Yes – 7 No – 0

President Corcoran: That report has been accepted. Moving on to correspondence.

CORRESPONDENCE:

- A letter dated August 22, 2014 from the Lorain County Board of Elections notifying the City of North Ridgeville of all ballot language for the November election.

President Corcoran: There is no old business. Moving on to new business.

OLD BUSINESS: None

NEW BUSINESS:

Deputy Clerk Tjotjos:

Liquor Permit Request:

A request for a stock transfer for the liquor permit belonging to Leiserv LLC, dba Brunswick Center Ridge Lanes, 38931 Center Ridge Road, North Ridgeville, OH

Moved by Butkowski and seconded by Johnson to not request a hearing as stated in the application so that this permit can be sent to the State for final disposition by September 15, 2014.

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

Yes – 7 No – 0

President Corcoran: Moving on to T 91. I will be recusing myself from this discussion.

President Pro-Tem Butkowski: Please read the ordinance, T 91.

Ordinance and Resolution Submittals

Deputy Clerk Tjotjos:

T 91-2014 AN ORDINANCE APPROVING THE FINAL PLAT OF RIDGEFIELD
SUBDIVISION PHASE NO. 11 FOR RECORDING PURPOSES ONLY.

(Introduced by Mayor Gillock)

Moved by Olesen and seconded by Arndt to suspend the by-laws to give T 91 a first reading tonight.

President Pro-Tem Butkowski: All those in favor say yes. Those opposed say no.

Yes – 7 No – 0

President Pro-Tem Butkowski: Motion passes.

President Corcoran: T 92.

Deputy Clerk Tjotjos:

T 92-2014 AN ORDINANCE APPROVING THE FINAL PLAT OF NORTHBOROUGH
SUBDIVISION PHASE NO. 3 FOR RECORDING PURPOSES ONLY.

(Introduced by Mayor Gillock)

President Corcoran: T 93.

Deputy Clerk Tjotjos:

T 93-2014 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO THE LORAIN COUNTY TREASURER IN THE AMOUNT OF \$83,592.00.
(Introduced by Mayor Gillock)

Moved by Johnson and seconded by Boose to suspend the by-laws to give T 93 its first reading.

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

Yes – 7 No – 0

President Corcoran: T 93 has been added to first readings. T 94.

Deputy Clerk Tjotjos:

T 94-2014 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO THE FRENCH CREEK BIOENERGY IN THE AMOUNT OF \$50,000.00.
(Introduced by Mayor Gillock)

Moved by Johnson and seconded by Boose to suspend the by-laws to give T 94 its first reading.

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

Yes – 7 No – 0

President Corcoran: T 94 has been added to first readings. That brings us to the recess portion of our meeting. Would anybody like a recess this evening?

RECESS:

Moved by Butkowski and seconded by Johnson to dispense with the recess.

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

Yes – 7 No – 0

President Corcoran: Moving on now to first readings. First up, we have T 76.

FIRST READINGS:

Deputy Clerk Tjotjos:

T 76-2014 AN ORDINANCE AMENDING N.R.C.O. CHAPTERS 1264 -B-1 NEIGHBORHOOD BUSINESS DISTRICT, 1266 - B-2 CENTRAL BUSINESS DISTRICT, AND 1272 - B-5 ARCHITECTURAL BUSINESS DISTRICT BY REMOVING RESIDENTIAL DWELLINGS AS PERMITTED OR CONDITIONAL USES IN THE CITY OF NORTH RIDGEVILLE'S BUSINESS DISTRICTS.

(Introduced by Councilman Keenan; Referred to Building and Lands; Building and Lands met 8/4/14; Building and Lands report accepted 8/18/14)

President Corcoran: T 88

Deputy Clerk Tjotjos:

T 88-2014 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF A 2.5 MEGA WATT DIESEL GENERATOR, AND A CONTRACT FOR INSTALLATION AND ANY OTHER APPURTENANCES FOR UPGRADING THE BACKUP GENERATOR AT THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$1,925,000.00.

(Introduced by Mayor Gillock)

Moved by Mayor Gillock and seconded by Boose to dispense with the second and third readings tonight for T 88.

President Corcoran: Any comments or questions?

Councilman Keenan: Mr. President. I would like to ask the Mayor, did the bids come in today?

Mayor Gillock: We haven't gone out to bid yet. This authorizes us to. We bid the generator, but we did not bid the entire project, correct? We opened bids today for the mechanical and electrical portion of this.

City Engineer Wangler: We did receive the bids today.

Mayor Gillock: The bids did come in today for the remaining portion. We haven't picked the bid winner yet because they are still being analyzed by the Engineering Department.

Councilman Keenan: I understand that they need review. Is there a report that he could give on the results? I mean it is a public bid. The numbers are out there. It is public right.

Safety-Service Director Armbruster: They range from \$551,000 to \$831,000 for the engineering side. The engineering and construction were bid out.

Councilman Keenan: More importantly than the number from my perspective was worse case, best case scenario, how are we to our budget?

Mayor Gillock: We are waiting for him to analyze the bids. The bids that came in. Some did bid both the mechanical and the electrical. Zenith Systems combination bid was \$512,000. Firelands bid the electrical only \$411,000. Bay Mechanical bid them both at \$551,000 and Northbay bid them both at \$736,000. So, preliminarily our best bid is \$512,000 without the alternates. On top of that, we already got \$831,000 for the generator and \$475,000 for the engineering. If you add all that up, we are going to be well below this \$1,925,000. I don't know exactly what it is going to be because we haven't certified the bid yet. If that bid, for example, didn't meet the specs, then you go to the next higher bid. We could end up at the \$725,000. I doubt it, but it could happen. We are still analyzing. We are under the \$1,925,000.

Councilman Keenan: I ask this question because I am uncomfortable frankly approving authorizing \$1.9 Million when and I realize that we appropriated about \$2.4 Million for the entire project, so it is just a matter of accounting for all the pieces and parts. The best I understood coming into this meeting was that we probably were going to be about \$1.9 Million versus our \$2.4 Million dollar appropriation budget. I thought, great, well done, we are \$400,000 to a half a million underneath our appropriation budget. One, good job, but two, I am uncomfortable authorizing the full \$500,000. So, that is why I was trying to understand where we are with respect to budget on this project in total. As we ask for another \$1.9 Million, if we really only need \$1.6 that seems to be a better number to me.

Mayor Gillock: Mr. President, my first question would be why Councilman Keenan feels insecure authorizing us to accept the bids; even if the appropriated or bid amount is larger than what the bid has come in at. It is not like we are going to raise the price we pay them. We pay them what the bid is, but on the numbers we have received so far, the generator is \$831,000 and the engineering is \$475,000 and the bid for the mechanical and electrical is \$512,000. That is \$1,818,000. It is a \$100,000 from what the ordinance says. If we go back to change that ordinance from \$1,925,000 to say \$1,825,000, and the contractor comes in with a change order because of something unforeseen, we are going to have to come back to Council and redo the ordinance. I think we are right at the ball park. If the \$512,000 is certified and that puts us at \$1.8, the ordinance is \$1.9 and I think we are right on the money, where we should be.

Councilman Keenan: Mr. President, I may be misunderstanding but I thought that this Council already appropriated \$475,000 for the engineering services. So, when we look at that, apples to apples you would take out the \$475,000, which has already been appropriated. If we appropriate another \$1.92, we are really appropriating \$2.4 Million and I just think if the project is expected to come in at \$1.9, we don't need to authorize \$2.4 so; it is simply just a matter of that is my feeling about it. I don't see why we would authorize \$500,000 more than is necessary. I think it is better that if we have some; first of all, I am in favor of construction contingency of ten percent, which is plenty and it is good business to have a contingency. I am just taking exception of the extra \$500,000 and if that is really the right number because that is the number we are being asked to vote on.

Safety-Service Director Armbruster: Mr. President. Understanding and respecting Councilman Keenan's position, this Council has got to realize that this project has been going on for months and we can only run three pumps at the Wastewater Treatment Plant. If this project goes through, we will be running that whole plant. I know the project is going to move forward, but another delay is not necessarily what we need today. We need to move this project forward as quickly as possible because it has been stuck in the quicksand now for months going through the process of how we put it through. We are not going to spend any more money than what is bid and I can respect where you were. \$2.4 Million came out two and a half years ago when different engineers and different people were involved in it and unfortunately, we didn't address it then because we didn't have the expertise to do so. We are certainly not going to spend any more than what it bid out there and obviously, we have done so much due diligence on this project that as the Mayor stated, it is \$475,000 and it is \$512,000 or \$736,000 depending on the bid specs

and I know that the \$512,000 is more in line than the \$736,000 and then the generator that we have already bid out to get ahead of the curve, so we knew where we were in the process is \$831,000. Any way you look at this, this project is going to be \$1.8 to \$1.9 Million dollars. It is well below what it was three years ago at \$2.4 Million dollars. I would like to see this move forward and recognize in the future that our engineering estimates that took place three years ago and I think we have control of that, that we are not going to be off \$500,000. We didn't save any money. We just got to the point where the engineering specs were appropriate to where we were really right on line. Remember on the other side, which is a separate subject; we missed it on the interceptor sewer coming into French Creek, substantially just based on the rock that was down there. Now, we are on the reverse side. We don't have enough money when we need more money and we bid it out twice. I respect your position, but at some place along the line, I want to move this forward as quickly as we can.

Councilman Keenan: I expected to get a number and vote to approve it today. In no regard did I want to delay it. That is not even in my thinking.

Councilman Boose: Mr. President, I must be missing something because when I look at what you just said, there were three separate areas of bid. There was the generator, the engineering and then the electrical and the one that was opened today. Isn't Mr. Keenan counting the \$475,000 twice? The \$475,000 is already counted in here. So, isn't the \$475,000 part of the \$1.8? So it isn't extra.

Councilman Keenan: We have already appropriated. We have already approved \$475,000.

Councilman Boose: We have already approved \$831,000 as well. Correct? So, really we only need to approve \$550 or what have you. Perhaps then, the question to the Law Director is the way the ordinance is written at \$1.925 including the other two things that were already appropriated, does that take care of Mr. Keenan's issue or do we need to do something different.

Law Director Crites: That is obviously a subject to misinterpretation because I was having the same problem as well. This was drafted by the French Creek folks. I don't mess with their numbers, which is good for all of us. However, I see your point. You would like to see it read, not to exceed \$1.925 total. That is what it says, but it doesn't say that very clearly when you read the third whereas, has already authorized engineering for this project not to exceed \$475,000. In purpose, there would be a comma there to say an additional \$1.450 is required in addition to this project. I understand the source to the confusion, but this discussion being made on the floor and on the record the need to amend is neither here nor there. I think that it is important that everyone understands that the total appropriation is what that number is or excuse me, the total amount that Council is giving acquiescence to expend.

President Corcoran: Isn't that also listed in section one where it says not to exceed that number for the generator.

Law Director Crites: The President makes a good point. Section one does solidify that the reality of the situation is a total of \$1.9.

President Corcoran: Instead of the word total being there, if you read section one, it says not to exceed \$1.925 for the purchase of the backup generator, the installation and appurtenances and so, that language there already says that is the total project without using the word total.

Law Director Crites: Mr. President, may I ask Safety-Service Director and Mayor that would it be correct, and I'm not making a motion, to include the phrase and engineering, that would be a correct statement?

Mayor Gillock: I thought at the last meeting, I gave an explanation and we went through this in great detail and explained every step and came up with this number and that is why I thought that is where we are at. I am trying to find that email from two weeks ago, but I am still back to the same point. This is something that we need to get done and if we have a big storm one or two weeks from now, we can damage the plant again. We are not going to spend any more money than what is being bid. It is really irrelevant whether it is \$100,000 over the total or \$500,000 over the total. We are only going to spend what the bid is and so, my opinion we need to get it passed.

Councilman Keenan: I heard it and that is fine.

Auditor Costin: If I can chime in for a moment. I can tell you the procedures. When we issue this debt and went through appropriations, we didn't issue debt for the entire amount of the project. However, what we do, do is typically try to estimate conservatively on the high side. When we actually issued the BANs for this project, we piggybacked it with two other projects to include engineering and the reason we did that was because we didn't have refined bids and if there were overages in the amount of the borrowing, which appears that there may now be, then we have the legal right to apply the access to the other projects which include the upgrade grid system and new ultra violet system; all of which were discussed and appropriated during appropriations. Now, with that said, what our office has historically done is we have monitored these projects on a project by project basis. However, the limitation for us is the amount that is appropriated. Now, if there is an ordinance that has passed, such as this, that ordinance cannot exceed the amount that is available and appropriated. So, we do have controls in terms of what we will spend as limited to what is authorized by Council. This is a somewhat unusual set of circumstances because of the way we issued the BANs. We have already issued the BANs and we should get started on the projects and spending the money because we only have a duration of two years legally without running into arbitrage problems on the BANs. This was a peculiar case in that at the time we were issuing the BANs and we did not have the precise numbers. I think that is what has led to these rough guesstimates that are higher than perhaps they could have been if we had more refined estimates at the time.

President Corcoran: We had a motion on the floor to dispense with the second and third readings. Everybody on the same page? All those in favor say yes. Those opposed say no.

Yes – 7 No – 0

Moved by Butkowski and seconded by Johnson to adopt T 88.

President Corcoran: Any comments or questions?

Councilman Olesen: One comment Mr. President. This equipment will assist in helping us in our flood and sewage problems.

Safety-Service Director Armbruster: Yes, it will. It will actually run all five of the 100 horse wet well pumps where now we can presently only run three, which means we can bring more water faster to French Creek with all the pumps running and with the advent of building an EQ basin here, if we do, do that, we will be able to store more water here in North Ridgeville, which will also add capacity to French Creek.

Moved by Olesen and seconded by Butkowski to add the emergency clause to T 88 primarily for the health, safety and welfare of the City.

President Corcoran: On the emergency clause, are there any comments or questions? All those in favor say yes. Those opposed say no.

Yes – 7 No – 0

President Corcoran: It was moved and seconded to adopt T 88 now with the emergency clause. Any comments or questions? Clerk, please call the roll.

Deputy Clerk Tjotjos: T 88 has been adopted with the emergency by a vote of seven to zero and becomes **ordinance number 5165-2014**.

President Corcoran: T 89.

Deputy Clerk Tjotjos:

T 89-2014 AN ORDINANCE AMENDING N.R.C.O. CHAPTER 880 *EARNED INCOME TAX* BY ADDING A DEFINITION FOR “PENSION”.
(Introduced by Mayor Gillock)

President Corcoran: T 91.

Deputy Clerk Tjotjos:

T 91-2014 AN ORDINANCE APPROVING THE FINAL PLAT OF RIDGEFIELD SUBDIVISION PHASE NO. 11 FOR RECORDING PURPOSES ONLY.
(Introduced by Mayor Gillock)

Moved by Olesen and seconded by Arndt to dispense with the second and third readings for T 91.

President Pro-Tem Butkowski: Is there any discussion?

Law Director Crites: Madam Chair, may I briefly explain. The ordinance in front of you is our pro-forma standard procedure ordinance by which Council approves the final plat of a new subdivision after it has received its preliminary approval. The Engineer has gone through the steps and given its okay. This is what gets sent over to the County and actually allows the County to plot out the lots, assign them parcels so that they become lots, parcels, individual pieces of property that can be conveyed, bought and sold. What is most significant in ordinance in front of you is in the first whereas and that is Planning Commission gave final approval in August of 2013; a year ago. Typically, after Planning Commission approves it, it then goes to Council and are approved in the following meeting. Just due to simple inadvertency either because of our Clerk’s, Engineer, Developer and/or potentially even somebody in the Law Department, but that isn’t feasible, this was inadvertently overlooked. I would suggest that because you have a situation where this is a long been approved development where potential home buyers are being held in limbo by this as well as the developer and the growth within the City, that it would serve Council’s best interest to pass this tonight with the emergency.

President Pro-Tem Butkowski: Is there any other discussion?

Councilman Keenan: Yes, I would just like to point out that T 87, which is under second readings falls into exactly the same situation where that was also approved over a year ago. So, just so everyone knows that what we do here for T 91 is probably going to be requested for T 87.

Law Director Crites: Exactly, Mr. Councilman. I forgot to mention that. T 87, North Ridge plat was approved in November of 2012. So, we need to clear these both out and stop the grid lock.

President Pro-Tem Butkowski: Is there any other discussion?

Councilman Boose: Is there any deadline that has to be met before these have to go back to Planning or is there anything because of the longevity of time that they were originally approved by Planning and Engineering office until today, where they would have to be reapproved?

Law Director Crites: No. There is no staleness issue either by state law or our ordinances as to. They are as good as if Planning Commission was last week.

President Pro-Tem Butkowski: Any other discussion? There was a motion made by Olesen and seconded by Arndt. All those in favor say yes. Those opposed say no.

Yes – 6 No – 0

Moved by Olesen and seconded by Arndt to adopt T 91.

President Pro-Tem Butkowski: Is there any discussion on the approval? Clerk, please call the roll.

Deputy Clerk Tjotjos: T 91 has been adopted by a vote of six to zero and becomes **ordinance number 5166-2014**.

Yes – 6 No – 0

Councilman Arndt: Madam President, if I believe the Law Director, did you not state that you would suggest this be passed with the emergency or is that not necessary?

Law Director Crites: I had suggested it because without it you are just simply holding the developer as well as the home buyers that are in slot to buy and build up another 30 days. I can't speak to what kind of exigency that presents to the developer, but I would suggest that it is in the City's best interest to add the emergency because it does benefit the City's health, safety and welfare to not freeze a development that was approved over a year ago.

Moved by Arndt and seconded by Johnson to add the emergency for the health, safety and welfare of the City.

President Pro-Tem Butkowski: Is there any question on the emergency? Clerk, please take the roll on T 91; ordinance number 5166-2014.

Deputy Clerk Tjotjos: The emergency has been added to T 91 being ordinance number 5166-2014.

Yes – 6 No – 0

President Corcoran: T 93.

Deputy Clerk Tjotjos:

T 93-2014 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO THE LORAIN COUNTY TREASURER IN THE AMOUNT OF \$83,592.00.
(Introduced by Mayor Gillock)

Moved by Johnson and seconded by Butkowski to dispense with the second and third readings tonight on T 93.

President Corcoran: Mr. Costin?

Auditor Costin: T 93 and T 94 are those resolutions that occur from time to time which the Law Director lovingly refers to as oops ordinances. Because the money was appropriated and legislation was passed, we just did not have a timely purchase order. The work has been done in both cases. I would request that Council do indeed pass them tonight; whether you add the emergency or not, I do not know the implications, but at least we should pass them tonight.

President Corcoran: Are there any other comments or questions? Seeing none, all those in favor say yes. Those opposed say no.

Yes – 7 No – 0

Moved by Johnson and seconded by Butkowski to adopt T 93.

President Corcoran: Any comments or questions?

Deputy Clerk Tjotjos: T 93 has been adopted by a vote of seven to zero and becomes **resolution number 1313-2014**.

Yes – 7 No – 0

T 94-2014 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO THE FRENCH CREEK BIOENERGY IN THE AMOUNT OF \$50,000.00.
(Introduced by Mayor Gillock)

Moved by Johnson and seconded by Olesen to dispense with the second and third readings tonight on T 94.

President Corcoran: Are there any other comments or questions?

Councilman Keenan: Mr. President, could we get a brief explanation to this? I'm aware that this is something that we do out at French Creek and it is quite favorable for us, but this I think is a case where we are spending \$50,000 and we are saving money. I just think it would be worth hearing more about it.

Mayor Gillock: Mr. President. I would like to speak on T 93 and T 94. We referred to them as oops ordinances and said that we didn't get the purchase orders done. Both of these are a little bit different. The first one to the Lorain County Treasurer, we entered into an agreement with the Lorain County Engineer's office to replace the bridge at the corner of Maddock and Sugar Ridge and we were to pay half of it after we received a grant and the County took the lead on it and built the bridge and didn't invoice us until after it was done. Thus, we have this ordinance. We couldn't write a p.o. before because we didn't have an invoice. T 94 is somewhat similar when we reached an agreement with French Creek Bioenergy, our agreement with them says that we can buy all the electricity that they can produce at the lowest rate published within the apples to apples comparison to the state and so, we are getting the best rate that is available and we appropriated for it. We did ask for an invoice at the end of the last year and they are just now getting it to us. So, we are just now paying them for the energy that we bought last year in the amount of \$50,000, which normally would have cost us.....

Safety-Service Director Armbruster: It is actually like 5% less than the normal cost.

Mayor Gillock: It would have been over \$60,000 so we are saving money.

Councilman Keenan: Mr. Mayor, should we be going back to T 93 and passing that with an emergency because the contractor hasn't been paid.

Mayor Gillock: No, in this case, we are paying the County. They have already paid the contractor.

President Corcoran: T 94. We have a motion to dispense with the second and third reading. All those in favor say yes. Those opposed say no.

Yes – 7 No – 0

Moved by Johnson and seconded by Butkowski to adopt T 94.

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

Deputy Clerk Tjotjos: T 94 has been adopted by a vote of seven to zero and becomes **resolution number 1314-2014.**

Yes – 7 No – 0

President Corcoran: Moving on to second readings. We have T 87.

SECOND READINGS:

Deputy Clerk Tjotjos:

T 87-2014 AN ORDINANCE APPROVING THE FINAL PLAT OF NORTH RIDGE
POINTE, PHASE NO. 1 FOR RECORDING PURPOSES ONLY.
(Introduced by Mayor Gillock; First Reading 8/18/14)

Moved by Olesen and seconded by Johnson to dispense with the third reading tonight on
T 87.

President Corcoran: Any comments or questions?

Councilman Olesen: Mr. President, this is the one that was spoken of that was two years old already and
for whatever reasons it didn't come to us until today.

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

Yes – 7 No – 0

Moved by Olesen and seconded by Johnson to adopt T 87.

Moved by Olesen and seconded by Johnson to add the emergency clause to T 87 primarily for the
health, safety and welfare of the City.

President Corcoran: On the emergency clause for T 87. All those in favor say yes. Those opposed say
no.

Yes – 7 No – 0

President Corcoran: On the motion to adopt with the emergency clause, Clerk, please call the roll.

Deputy Clerk Tjotjos: T 87 has been adopted with the emergency by a vote of seven to zero and becomes
ordinance number 5167-2014.

President Corcoran: Moving on to third readings. T 79.

THIRD READINGS:

Deputy Clerk Tjotjos:

T 79-2014 AN ORDINANCE ACCEPTING CERTAIN STREETS/IMPROVEMENTS
LOCATED IN THE PIONEER RIDGE PHASE 8 SUBDIVISION AT
WATERBURY, AND DEDICATING THEM FOR PUBLIC PURPOSES.
(Introduced by Mayor Gillock; First Reading 8/4/14; Second Reading 8/18/14)

Moved by Olesen and seconded by Johnson to adopt T 79.

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

Deputy Clerk Tjotjos: T 79 is adopted by a vote of seven to zero and becomes **ordinance number 5168-2014**.

MEETING ANNOUNCEMENTS:

President Corcoran:

- September 11th Remembrance Ceremony on **September 11, 2014 at 8:30 A.M.** at South Central Gazebo.
- Next regular Council meeting on **Monday, September 15, 2014 at 7:30 P.M.** in Council Chambers.

ADJOURNMENT:

President Corcoran: Seeing no other business to bring before the city this evening, the meeting is adjourned. The meeting was adjourned at approximately 8:28 P.M.

Approval of minutes:



PRESIDENT OF COUNCIL



CLERK OF COUNCIL