NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JULY 19, 2010

CALL TO ORDER: 7:30 P.M.

President Corcoran: I call to order tonight's meeting of the North Ridgeville City Council, July 19, 2010. 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, Assistant Law Director Toni Morgan, Engineer Larry Griffith, Auditor Chris Costin and Clerk of Council George Smith.

MINUTES - Corrections (if any) and Approval:

Public Hearing Minutes of July 6, 2010 re: 2011 Budget
President Corcoran: Are there any comments or corrections?
Council Member Boose: Mr. President, I have a correction on page 20, line number 22. I am quoted as saying, "again, I just want to make sure that this new contract can't pivot." Pivot should be prevent, so that it now reads, "new contract can't prevent us from doing the same." That is all I had.
President Corcoran: Anybody else? Clerk, please call the roll on approving the minutes as amended.

Yes, 5 No, 0 Abstain, 2 (Butkowski, Johnson)

Clerk of Council Smith: Minutes are approved with two abstentions.

Council Minutes of regular meeting held July 6, 2010
President Corcoran: Are there any comments or corrections to those? Clerk, please call the roll on the approval of the minutes.

Yes, 5 No, 0 Abstain, 2 (Butkowski, Johnson)

Clerk of Council Smith: Minutes are approved with two abstentions.

President Corcoran: Please note:
Board of Zoning and Building Appeals Minutes of regular meeting June 24, 2010 and
Planning Commission Minutes of regular meeting July 13, 2010.

LOBBY:

President Corcoran: We come to the lobby session of the meeting. This is your opportunity to speak to us and let us know what is on your mind. When you come to the podium, please state your name and address. You have three minutes to speak. The lobby session is open.

1) Paul Papes of 5240 Lear Nagle stated that he has been trying to get answers on questions that he has had and has yet to receive any.
Safety-Service Director Armbruster addressed the President and stated that he would like to answer Mr. Papes.
President Corcoran stated that he didn't think Mr. Papes asked a question and asked Mr. Armbruster to wait until he does.

2) Madeline Hess of 7193 Songbird Lane spoke regarding the rezoning request that is on the agenda under third readings. She explained that the residents' concern is the percentage in fees the residents have to pay per the Homeowner's Association agreement toward that pond versus what percentage the nursing home has to pay and felt that seventeen homes can't afford bills that are in the thousands. She explained that this is one of the things that the residents wanted to sit down and talk to Mr. O'Neill about. She felt that, that is a big burden for seventeen people as she believes that there is not going to be any more homes built there.

3) Barbara Martin of 7185 Songbird Lane spoke regarding the pond and stated that the pond has never been maintained. She explained that all it is, is a filthy smelly hole where residents can't even sit outside at night. She felt that there are no reasons why this addition needs to be built in the back. She expressed her feelings as a resident who has to look at the mess every day and put up with the noise from that facility. She stated that with this new facility, there is going to be more noise and she explained the kind of noise that would be heard. She asked Council to take into consideration that this facility does not have to be located there as there is another piece of property in that location where it could be located.

4) Bob Yost of 260 South Logan explained his partnership with the Sandy Ridge Subdivision. He explained that the drive off of Center Ridge has not been discussed as being eliminated. It will stay. He explained that there will be a new entrance off of Fowler's Run which will only be a secondary means of egress and ingress into the facility. He explained that as far as the noise, during the last meeting they attended, David O'Neill, the new Campus Administrator directed and changed the policy with BFI to remove all the dumpsters and to have them picked up before the hour of 5:30. He explained that most of the residents' concern was relative to the parking and he explained the parking requirement for that facility is 31 spots. They have proposed 59 spots to go into this new complex. He stated that nobody said that there is buffering there now. He stated that buffering will be there when they have completed the

facility noting that they showed buffering on their drawing. He stated that a more in depth landscaping plan will have to be submitted and they intend to do that.

5) Russ Friedrich of 5719 Firecrest Circle explained that it has been a year since the Master Plan Committee turned in the Master Plan to Council and over the course of the year, nothing has really been done with it. He explained the need and purpose of the City's Master Plan. He felt that Council Committees need to be proactive and not reactive in drawing up plans for the City and to not react after something is in effect, which usually becomes a public outcry when it happens. He explained that McDonald's is now coming into the City to be located in the section of the Master Plan called Town Center and no one; not even Planning Commission, took a look at the Master Plan to see what architecture is required for that location. He explained why the Master Plan was reviewed and why it is necessary to use this as a plan for future growth and he stated that Council needs to change the ordinances and change the industrial base that comes into town and they need to change the development and structure of buildings that are being put up. He concluded by stating that the Council Committees should be reviewing the sections of the Master Plan and they should be reporting back to Council.
Mayor Gillock explained that the Master Plan has been worked on, in fact, the City has committed to spending 75,000 dollars to work on a livable community study that covers the Route 83 area. There have been other things behind the scenes that they have been working on. He stated that during the interviews for a Park and Rec Director, the Master Plan was mentioned in almost every one of those interviews. He stated that it would be an error to say that nothing has been done. He stated that there are things that need to be done and that the Administration is aware of it, but things are being done.

President Corcoran asked if there was anyone else that would like to speak?

6) Paul Papes of 5240 Lear Nagle Road explained that as far as traffic goes, he stated that his street is a residential road that has no truck traffic signs posted and explained that there are semis that travel that road. He stated that Lorain Road, Route 10, also has those signs posted and truck traffic is to exit 480 and is only to travel to the turnpike entrance, but they are traveling down Route 10. He asked when those signs were posted and asked for an answer. He stated that he may not have had asked a question during his last comment, but the Safety-Service Director was willing to help him and was stopped by the President of Council. He spoke regarding Council meeting procedures as it relates to the lobby.
President Corcoran explained to Mr. Papes that he could come in anytime during business hours and sit down with the Safety-Service Director and that his questions could be answered at that time. He explained that this is a Council meeting and not an opportunity to converse back and forth. He moved the meeting on to the Administrator's reports and addressed Mayor Gillock.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: I just have one item for this evening. You will find at your desks an ordinance amending ordinance number 4754 regarding the Lorain Road, Honeycut Drive to Island Road reconstruction phase 3b by increasing the amount from 1,052,000 dollars to 1,072,000. The 1,052,000 was in the original ordinance. We opened bids this morning. The lowest bid was about 15,000 dollars from what the ordinance allowed; so, we want to increase it by 20,000 dollars so we can go ahead and award that bid. We are required to award it, normally, within 30 days. If we don't pass this, this evening and because of vacation, that will put us into September. We would have to go to the contractor and ask him to wait and we will lose about two months of construction time. We would like to get this passed tonight with the emergency. This is our Ohio Public Works project for this year. There is a huge percentage of this, which is paid for by grant funds. Part of it is a loan, but 20,000 dollars is not a huge difference from the estimate which was 1,049,000, but it is above the ordinance. First, I would ask the Clerk to assign it a T number.
Clerk of Council Smith: It is assigned T 88, Mayor.

moved by Mayor Gillock, seconded by Buescher to add T 88 to the agenda under first readings

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

Yes, 7 No, 0

President Corcoran: T 88 will be on first readings this evening.
Mayor Gillock: That concludes my report.
President Corcoran: Thank you, Mayor. Mr. Armbruster.

B. Safety-Service Director:

Safety-Service Director Armbruster: Thank you, Mr. President. We are finally in the ending process with Badger Meter. We have three more gateways to put up for the community and we are trying to get those sited through First Energy, as we speak, in working out as to where to put the gateways up. One, down in the Case Road area; because of the trees and all the different levels of the ground, as well, in the Hadaway area and down in this section, where we just don't have the concentration of homes and so, we have to site these gateways and we are hopeful, at that point, it will resolve some of the issues we have with reading the few meters that we can not get consistent readings on to get this project completed for the city of North Ridgeville to complete it totally. That concludes my report.

President Corcoran: Thank you, Mr. Armbruster. Mr. Griffith.

C. Engineer:

Engineer Griffith: Thank you Mr. President. As most of you know, several years ago, I began speaking about how our storm water can become contaminated with dog feces. I'm happy to say that others are now getting on the band wagon or as some may say, the poop wagon. Last month, the City of Avon Lake sent out dog feces information notices along with their water bills. I live in Strongsville, so I am served by the largest water treatment organization in this area, the Northeast Ohio Regional Sewer District. They have started what they call their PUP program; with PUP standing for Pick Up Poop. If you go to their website called "wheredoesitgo.org/pup" and sign a pledge to pick up after your dog, they will send you a scarf for your dog. My dog, named Abby, is a Jack Russell, so I selected the small scarf which I 'm sure she'll be proud to wear. Thank you, that concludes my report for this evening.

Mayor Gillock: Mr. President, as some of you may be aware and I forgot this during my report. Council is on vacation in August and will not be meeting. In light of Mr. Griffith's talks that he gives, which I might say, there is a reason for these reports. In our storm water management program; which the government requires, part of that element is an educational requirement and that is why Larry does these reports at every meeting. However, effective September 3, Mr. Griffith is retiring; so, this may be the last one of these we hear. I think we are going to miss him, but I wish you well on your retirement.
Engineer Griffith: Thank you.
President Corcoran: Thank you, Larry. Mr. Costin.

D. Auditor:

Auditor Costin: Thank you. Three items of business tonight. First of all, Council has received the Auditor's Written Financial Report for June 2010. The second item is T 87 and as I mentioned in previous meetings, we do have an amended appropriation ordinance on the agenda, tonight, which I would respectfully request that you pass with the emergency. Finally, the 2009 Annual Audit of the city of North Ridgeville has been released by the Auditor of State and you have in front of you, the personalized copy of the 2009 City's Comprehensive Annual Financial Report. That concludes my report.
President Corcoran: Thank you, Mr. Costin. Mr. Costin, I have one question for you. The annual report that we have in front of us now was submitted to us electronically, I believe. The question is that I know an audited report is something that we have to vote on according to Robert's Rules.
Auditor Costin: This is the audited report.

President Corcoran: Correct, but it is not on the agenda per say. The question is, when was this submitted and did the audited written report meet cloture?
Auditor Costin: I believe it is on your correspondence. We have had these ready to distribute, but we can't distribute them until the Auditor of State formally approves its release, which is on your agenda. You could suspend the rules to accept the report if there is any question.
President Corcoran: That would probably be the best course of action.

moved by Corcoran, seconded by Johnson to suspend the By-Laws to amend the agenda to allow the Auditor's Certified Copy of the 2009 Auditor Report

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

Yes, 7 No, 0

Certified Copy of the 2009 Audit Report

moved by Corcoran, seconded by Johnson to accept the Audited Annual Financial Report for 2009

President Corcoran: Are there any comments or questions?
Council Member Boose: Mr. President, again, just having received it this evening, just a question of the Auditor. The Auditor of State has reviewed this and given her stamp?
President Corcoran: Yes, Mr. Boose. We received an email at least a week ago and this report was contained in there.
Council Member Boose: Again, Mr. Costin and his staff has always been exemplary in handling their audit report and almost annually, receive certification and awards about it and if the Auditor of State is good with it, then so am I.
President Corcoran: Anyone else? All those in favor of accepting the report, say aye. Those opposed say no.

Yes, 7 No, 0

President Corcoran: The audited report has been accepted.

E. Other Reports:

President Corcoran: Please note:

Building Department Report for May 2010;
Mayor's Court Report for June 2010;
Fire Department Report for June 2010; and
Police Department Support Car Report for June 2010

<u>COUNCIL COMMITTEE REPORTS</u>:

President Corcoran: There are no Council Committee reports. Correspondence.

CORRESPONDENCE:

Clerk of Council Smith:
1) Received a memo from Mayor Gillock updating Council on the receipt of an $80,000 collaboration grant to complete a study on storm water management and submitting the final copy of the study.

2) Received a memo from Mayor Gillock submitting a copy of the Westshore Council of Governments Fire, EMS and Related Services Operations Consolidation Feasibility Study Draft June 2010.

3) Received from Auditor of State Mary Taylor, CPA a certified copy of the 2009 Audit Report and associated documents.

OLD BUSINESS:

President Corcoran: There is no old business.

NEW BUSINESS:

Clerk of Council Smith:
Planning Commission recommendations to Council of their regular meeting July 13, 2010

APPLICANT: McDonald's Corporation, c/o Donald G. Bohning & Associates, Inc., 2 Easton Oval, Suite 200, Columbus, Ohio 43219
OWNER: WXZ Development Inc., (aka Retail Acquisitions LLC) 22720 Fairview Center Drive, Suite 150, Fairview Park, Ohio 44126 by and through purchase and sale agreement on file
REQUEST: Site plan approval to construct a McDonald's Restaurant
LOCATION: 35944 Center Ridge Road; 6873 Avon Belden Road, 6912 Breck Court and northwest corner of Center Ridge and Breck Court (Breck Court, aka East Street) in a B-3 District
Permanent Parcel Nos. 07-00-021-102-009, 07-00-021-102-023, 07-00-021-102-025, 07-00-021-102-029, and 07-00-021-102-030
PC ACTION: Approved by a vote of four to one.
moved by Olesen, seconded by Jaenke to accept Planning Commission's action
President Corcoran: Any comments or questions?
Council Member Butkowski: Mr. Chairman, at the Planning Commission meeting, they were not asked to go with, maybe, the Western Reserve or some type of styling that will work into what

the Master Plan had suggested for the Town Center and that is essentially the center of town. It would be nice if something could be brought up when they come back again or something to consider that.

Council Member Olesen: I can elaborate a little bit on that. They have a new building design, which they are going to use. It does have a brick facade and it is very attractive. It is a very nice looking building. The only disappointment we had at the Planning Commission meeting is that it won't be on the corner lot as we had hoped, because, they had a problem acquiring that property.

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

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

Clerk of Council Smith: Motion passed with one abstention.

APPLICANT: Sugar Chestnut, LLC, 1050 Terminal Tower, 50 Public Square, Cleveland, Ohio 44113
OWNER: Sugar Chestnut, LLC, Forest City Land Group, 1050 Terminal Tower, 50 Public Square, Cleveland, Ohio 44113
REQUEST: Final plat approval for Phase 6 in Waterbury PCD
LOCATION: Extension of Franklin Drive in Waterbury PCD
Permanent Parcel No. 07-00-037-000-278
PC ACTION: Approved by a vote of five to zero.

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

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

Yes, 7 No, 0

Clerk of Council Smith: Motion passed unanimously, Mr. President.

APPLICANT: John T. O'Neill, Center Ridge Health Campus, 38600 Center Ridge Road
OWNER: Lake Ridge Holdings, LTD, 38642 Center Ridge Road
REQUEST: Approval to build a 6,800 square foot addition onto an existing commercial building
LOCATION: North and east of 38600 Center Ridge Road in a B-3/R-1 District
Permanent Parcel Nos. 07-00-046-107-020 and 07-00-045-110-105
PC ACTION: Approved by a vote of five to zero.

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

President Corcoran: Any comments or questions?

Council Member Boose: Mr. President, just a note to the audience because there was some discussion about the project earlier in the evening. This is the Planning Commission recommendation. This is not the ordinance that the public hearing was about. That will come up later in the evening. Just so that you are aware of it, this is not the action to which you were discussing earlier.

President Corcoran: Thank you. Anybody else? Clerk, please call the roll.
Yes, 7 No, 0
Clerk of Council Smith: Motion passed unanimously, Mr. President.

Clerk of Council Smith:
T 66-2010 AN ORDINANCE AMENDING NRCO SECTION 1290.05, PERMIT APPROVAL; CONSTRUCTION REQUIREMENTS, SECTION 1268.04 LOT AND YARD REQUIREMENTS, SECTION 1270.04 LOT AND YARD REQUIREMENTS, AND SECTION 1274.06 YARDS TO REFLECT NEW STANDARDS FOR DRIVEWAY WIDTHS IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS.
PC ACTION: Recommended, by a vote of five to zero, that Council pass T 66-2010 with the condition that Mr. Fursdon and Mr. Griffith's recommendations are incorporated into the revised documents.
President Corcoran: For point of clarification, this is just the Planning Commission action that we are voting on right now.
moved by Olesen, seconded by Jaenke to accept Planning Commission's action
President Corcoran: Are there any comments or questions? Clerk, please call the roll.
Yes, 7 No, 0
Clerk of Council Smith: The action has been unanimously accepted.

Ordinance and Resolution Submittals:

Clerk of Council Smith:
T 84-2010 A RESOLUTION OF SUPPORT FOR OHIO PUBLIC WORKS COMMISSION PROJECT PRIORITIES.
moved by Mayor Gillock, seconded by Boose to suspend By-Laws to give T 84 a first reading this evening
President Corcoran: Comments or questions?
Mayor Gillock: This is our input to the State for Ohio Public Works Commission for next year's projects and these are due no later than September 3. There are no meetings in August. This is just an indication of what our projects are going to be. If you look at the back on Exhibit A, you will see that our number one priority is Chestnut Ridge Road culvert extension and the Lear Nagle north bound lane reconstruction. The total cost is 425,800 dollars and we are asking for a grant of 251,222 dollars. Then, our future plans are, if things go, we want to do Chestnut just like we did Lorain Road and start using our Ohio Public Works money to reconstruct Chestnut Ridge Road a phase at a time. You will see that there are three phases there and I think those have to be broken down even a little more. This also impacts the Lear Nagle Road widening project. We have to address that culvert and while we are doing that, we want to take care of that lane reconstruction. Thank you.

President Corcoran: Thank you, Mayor. Any other comments? All those in favor say yes. Those opposed say no.

Yes, 7 No, 0

President Corcoran: T 84 is on first reading. T 85.

Clerk of Council Smith:

T 85-2010 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A 48-MONTH AGREEMENT WITH LEASE SERVICING CENTER DBA NATIONAL COOPERATIVE LEASING FOR THE LEASE AND SUPPORT/MAINTENANCE OF EIGHTEEN (18) NEW COPIERS/ PRINTERS/FAX MACHINES, NOT TO EXCEED $60,000.00/YEAR.

T 86-2010 AN ORDINANCE AUTHORIZING AND DIRECTING SUBMISSION TO THE ELECTORS OF A PROPOSAL TO AMEND THE CHARTER OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ESTABLISH UNIFORM NINETY (90) DAY FILING DEADLINES FOR ALL MUNICIPAL ELECTION ISSUES.

moved by Mayor Gillock, seconded by Boose to suspend the By-Laws to give T 86 a first reading this evening

President Corcoran: Any comments or questions?

Mayor Gillock: Mr. President, I brought this to your attention during the last meeting because of the Federal Act referred to as MOVE, which I believe, is Military Overseas Voting Extension Act. The Federal government is requiring election boards to mail those absentee ballots out earlier and in order to do that, the Secretary of State required the deadline to be moved from 75 to 90 days. However, as a Charter City, our Charter would override that which would leave us in the election boards, in a poor position. They actually have to certify the ballots 78 days before and they would be required to be certifying ballots when we haven't even submitted ours. Just to conform with the changes in the State law, we are recommending that we go through our Charter and wherever there is a requirement for 75 days, that we change that to 90 and that is what this is. Thank you.

President Corcoran: Are there any other comments?

Council Member Boose: Yes, Mr. President, what is the deadline in getting this to the County so that we can get it on the ballot?

Mayor Gillock: August 4 is the new deadline to get issues on the ballot. Of course, they would still have to take ours, but August 4 is their new deadline.

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

Yes, 7 No, 0

Clerk of Council Smith: Passed unanimously, Mr. President.

President Corcoran: T 86 will be on first readings. T 87.

Clerk of Council Smith:

T 87-2010 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 4729-2010 AND 4746-2010 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2010 AND ENDING DECEMBER 31, 2010.

moved by Johnson, seconded by Boose to suspend the By-Laws to give T 87 a first reading this evening

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

Yes, 7 No, 0

Clerk of Council Smith: Passed unanimously, Mr. President.

President Corcoran: T 87 will be on first readings this evening. This brings us to the recess. Would anybody like a recess?

RECESS:

moved by Buescher, seconded by Olesen to dispense with the recess

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

Yes, 7 No, 0

President Corcoran: Recess is dispensed with. First readings

FIRST READING:

Clerk of Council Smith:

T 80-2010 SUBSTITUTE 4760-2010 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT THE LORAIN ROAD AND FIRE STATION NO. 2 DRIVEWAY, NOT TO EXCEED $140,500.00.

First Reading

moved by Mayor Gillock, seconded by Olesen to dispense with the second and third readings for T 80

President Corcoran: Any comments?

Mayor Gillock: We received a 90 percent grant on this. This has been through appropriations. I would like to go ahead and adopt this, this evening. We don't need the emergency because by the time we advertise it and get the bid, our thirty days will be up anyway. If we could pass this, I would appreciate it.

President Corcoran: Any other questions or comments?

Auditor Costin: Mr. Chairman, there are actually two pieces of legislation, T 80 and T82, that are reflected in the appropriation ordinance that is requested to be passed tonight. Technically, T 87 should be passed first. However, we have commonly passed other legislation on the same

evening that the amended appropriation ordinance is indeed passed. That concludes my observation. Thank you.
President Corcoran: It was moved and seconded to dispense with the second and third readings for T 80. Any other comments? All those in favor say yes. Those opposed say no.
Yes, 7 No, 0
President Corcoran: Second and third readings are dispensed with.
moved by Olesen, seconded by Boose to adopt T 80
President Corcoran: Any questions or comments? Clerk, please call the roll.
Yes, 7 No, 0
Clerk of Council Smith: Passed unanimously, Mr. President.
President Corcoran: T 81
Council Member Boose: Point of order, can we get an ordinance number please?
Clerk of Council Smith: It will be 4760-2010.
Permanent Ordinance No. 4760-2010

T 81-2010 AN ORDINANCE REPEALING ORDINANCE NO. 4566-2008, WHICH
4761-2010 AUTHORIZED THE MAYOR TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF FIBER OPTIC LINES AND ALL ASSOCIATED WORK AND APPURTENANCES FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT, AND REPLACING IT WITH THIS ORDINANCE, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH DIGITAL MATRIX FOR THE PURCHASE OF FIBER OPTIC LINES AND ALL ASSOCIATED WORK AND APPURTENANCES, NOT TO EXCEED $20,000.00.
First Reading
Council Member Olesen: Mr. President, I have a notation on here that this should be passed this evening. I was wondering if the Mayor could refresh us on why he wanted this passed at this meeting.
Mayor Gillock: I will defer to the Safety-Service Director.
Safety-Service Director Armbruster: Mr. President, this was part of a much larger project, if you remember, in the budgetary process. What this does is it connects the building in the areas we were looking to do this year so that they can communicate via the telephone. There was a time recently, when I couldn't actually have a transfer of a call from the building to the industrial pretreatment area and we actually had to communicate by cell phone. That has since been fixed, but it is a process that I would like to see passed this evening so that we can move forward on the project.
Council Member Johnson: I just want to say that it is the same project that passed before, we are just doing it in phases.
Auditor Costin: I would add to what she said. I believe the original ordinance was for 130,000 dollars that we passed a couple of years ago. They are doing it piecemeal, but since that time,

we have had other factors that have affected the financial position of the plant and so, what we are doing is reducing this ordinance which otherwise gives them the ability to spend money that is appropriated. So, we are going to appropriate it in the future in the phases that they request.

moved by Olesen, seconded by Boose to dispense with the second and third readings for T 81

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

Yes, 7 No, 0

moved by Olesen, seconded by Johnson to adopt T 81

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

Yes, 7 No, 0

Clerk of Council Smith: Unanimously approved.

President Corcoran: It becomes ordinance number 4761-2010?

Clerk of Council Smith: 4761 is correct.

Permanent Ordinance No. 4761-2010

T 82-2010
4762-2010

AN ORDINANCE COOPERATING WITH THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION TO COMPLETE THE PRELIMINARY ENGINEERING OF THE CENTER RIDGE ROAD WIDENING IMPROVEMENT PROJECT.

First Reading

moved by Mayor Gillock, seconded by Boose to dispense with the second and third readings for T 82

President Corcoran: Are there any comments?

Mayor Gillock: Mr. President, this is the next critical step in the process to widen Center Ridge Road. As I mentioned before, it is a fourteen step process as laid out by ODOT. We have completed steps one through four. This is step five. The total cost is 940,000 dollars. We received a grant for 710,000 dollars which is 75 percent. The rest of this will be paid out the Street Levy. This will allow us to move one step forward toward widening Center Ridge Road. Thank you.

President Corcoran: Thank you. Clerk, please call the roll.

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

Clerk of Council Smith: With one abstention, it has passed.

moved by Olesen, seconded by Butkowski to adopt T 82

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

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

Clerk of Council Smith: With one abstention, it has passed.

President Corcoran: It becomes ordinance number 4762-2010.

Clerk of Council Smith: That is correct.

Permanent Ordinance No. 4762-2010

T 88-2010 AN ORDINANCE AMENDING ORDINANCE NO. 4754-2010 REGARDING
4763-2010 THE LORAIN ROAD (HONEYCUT DRIVE TO ISLAND ROAD) RECONSTRUCTION, PHASE 3B, INCLUDING OTHER APPURTENANCES THERETO, BY INCREASING THE AMOUNT FROM $1,052,000.00 TO $1,072,000.00 AND DECLARING AN EMERGENCY

First Reading

moved by Mayor Gillock, seconded by Boose to dispense with the second and third readings for T 88

President Corcoran: Are there any comments?

Mayor Gillock: Mr. President, I failed to mention earlier that this 20,000 will come out of the Street Levy Contingency Fund which has 100,000 dollars in it and the 20 will come out of that.

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

Yes, 7 No, 0

moved by Boose, seconded by Jaenke to adopt T 88

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

Yes, 7 No, 0

Council Member Olesen: Mr. President, can I ask the Mayor a question on this please?

President Corcoran: Certainly.

Council Member Olesen: Did you need the emergency on this?

Mayor Gillock: No.

President Corcoran: Passed unanimously and becomes ordinance number 4763-2010.

Permanent Ordinance No. 4763-2010

Clerk of Council Smith:

T 84-2010 A RESOLUTION OF SUPPORT FOR OHIO PUBLIC WORKS COMMISSION
1209-2010 PROJECT PRIORITIES.

First Reading

moved by Boose, seconded by Buescher to dispense with the second and third readings for T 84

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 84

moved by Boose, seconded by Buescher to add the emergency so that we can meet the deadline of September 3

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

Yes, 7 No, 0

President Corcoran: It was moved by Boose and seconded by Buescher to adopt T 84 with the emergency clause. Any comments or questions? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Smith: Passed unanimously, Mr. President.
President Corcoran: And it becomes resolution number?
Clerk of Council Smith: 1209-2010.

Permanent Resolution No. 1209-2010

T 86-2010
4764-2010
AN ORDINANCE AUTHORIZING AND DIRECTING SUBMISSION TO THE ELECTORS OF A PROPOSAL TO AMEND THE CHARTER OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ESTABLISH UNIFORM NINETY (90) DAY FILING DEADLINES FOR ALL MUNICIPAL ELECTION ISSUES.
First Reading
moved by Boose, seconded by Buescher to dispense with the second and third readings for T 86

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 86
moved by Boose, seconded by Buescher to add the emergency in order to meet the August 4 deadline

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

Yes, 7 No, 0

President Corcoran: It was moved by Boose and seconded by Buescher to adopt T 86 with the emergency clause. Any questions? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Smith: Passed unanimously, Mr. President.
President Corcoran: And it becomes ordinance number?
Clerk of Council Smith: 4764-2010.

Permanent Ordinance No. 4764-2010

T 87-2010
4765-2010
AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 4729-2010 AND 4746-2010 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2010 AND ENDING DECEMBER 31, 2010.
First Reading
moved by Johnson, seconded by Butkowski to dispense with the second and third readings for T 87

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 87

moved by Johnson, seconded by Butkowski to add the emergency for the safety and welfare of the City's residents for the timeliness of the expenditures

President Corcoran: Any comments or questions? 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 87 with the emergency clause. Mr. Mayor?

Mayor Gillock: Mr. President, I need to make a correction on T 88. We do need to add the emergency on that. Otherwise, it won't become effective for 30 days and we couldn't spend the money. So, I would ask someone from Council to make a motion to reconsider T 88.

President Corcoran: We didn't finish voting on T 87. Before we have that motion, we are going to vote on the adoption of T 87 with the emergency clause. Any comments about that? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Smith: Passed unanimously, Mr. President.

President Corcoran: And it becomes ordinance number?

Clerk of Council Smith: 4765-2010.

Permanent Ordinance No. 4765-2010

Mayor Gillock: Mr. President, I will repeat what I said earlier. I need the emergency on T 88.

moved by Buescher, seconded by Boose to reconsider T 88.

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

Yes, 7 No, 0

moved by Mayor Gillock, seconded by Buescher to add the emergency to 4763 so it can become effective immediately and we can go ahead and enter into a contract to do the reconstruction of that phase of Lorain Road and it will certainly be for the welfare of the residents

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

Yes, 7 No, 0

Clerk of Council Smith: The emergency has been added unanimously.

President Corcoran: That is the end of the first readings. Second Readings, T 76.

SECOND READINGS:

Clerk of Council Smith:

T 76-2010 AN ORDINANCE REPEALING ALL PROVISIONS AND SECTIONS OF ALL ORDINANCES CONTAINING INCORRECT JOB TITLE(S) REFERRING TO THE DEPARTMENT HEAD OF COMPUTER SERVICES AS ANYTHING OTHER THAN "INFORMATION SERVICES DIRECTOR/NETWORK COORDINATOR" AND REPLACING THOSE PROVISIONS/SECTIONS WITH THE CORRECTED JOB TITLE.
Second Reading

T 77-2010 AN ORDINANCE CREATING A NEW CLASSIFICATION AND ESTABLISHING THE QUALIFICATIONS FOR THE FULL-TIME POSITION OF ASSISTANT CHIEF BUILDING OFFICIAL.
Second Reading

T 78-2010 AN ORDINANCE AMENDING THE ORIGINAL DEPARTMENT HEAD SALARY ORDINANCE NO. 2725-93 AND SUBSEQUENT AMENDMENTS THERETO UP TO AND INCLUDING THE MOST RECENT AMENDMENT REFLECTED IN ORDINANCE NO. 4580-2008 BY INCLUDING THE FULL-TIME POSITION OF ASSISTANT CHIEF BUILDING OFFICIAL, AND ESTABLISHING THE PAY RATE SCALE FOR THIS POSITION.
Second Reading

T 65-2010 AN ORDINANCE AMENDING NRCO SECTION 1030.12, DUTIES OF PRIVATE OWNERS.
Second Reading

T 66-2010 AN ORDINANCE AMENDING NRCO SECTION 1290.05, PERMIT APPROVAL; CONSTRUCTION REQUIREMENTS, SECTION 1268.04 LOT AND YARD REQUIREMENTS, SECTION 1270.04 LOT AND YARD REQUIREMENTS, AND SECTION 1274.06 YARDS TO REFLECT NEW STANDARDS FOR DRIVEWAY WIDTHS IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS.
Second Reading

Council Member Olesen: Mr. President, I placed before you this evening, T 66, which you have probably looked at and said, nothing has changed. What has changed is that I was talking with Mr. Fursdon, our Chief Building Official and what we do often is we pass an ordinance and it has to appear that way in four to five different areas. We have a problem with ommission here in some of these cases where we might miss one and not change it. What this does is, we have not

changed it one bit; all it does is put it in one section all by itself and the other ordinance references are gone. I think we should be aware that we do this on some of these so we don't have the same thing appearing several times in our ordinance codes. Right now, I believe it will go into the supplemental section. Is that right, Mr. Crites?
Law Director Crites: It is actually up to the codification company on where it will go. Surprisingly, our direction is not always listened to when it comes down to it.

moved by Olesen, seconded by Jaenke to amend T 66 by substitution with the ordinance that is in front of Council tonight

Council Member Olesen: It doesn't change anything. It does eliminate double, triple and quadruple references of the same thing.
President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.

Yes, 7 No, 0

President Corcoran: T 66 is amended by substitution and it will go on to third readings for our next meeting.

THIRD READINGS:

Clerk of Council Smith:
T 61-2010 AN ORDINANCE AMENDING NRCO CHAPTER 1210 PLANNING
REVISED COMMISSION TO REQUIRE CITY PLANNER REVIEW AND A TRAFFIC
4766-2010 IMPACT STUDY WHEN CERTAIN CRITERIA ARE MET.

Third Reading

moved by Olesen, seconded by Jaenke to adopt T 61

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

Yes, 7 No, 0

Clerk of Council Smith: Ordinance is adopted unanimously and becomes ordinance number 4766-2010.

Permanent Ordinance No. 4766-2010

T 72-2010 AN ORDINANCE CREATING THE FULL-TIME POSITION OF FINANCE
4767-2010 TECHNICIAN.

Third Reading

moved by Johnson, seconded by Butkowski to adopt T 72

President Corcoran: Are there any comments or questions?
Council Member Johnson: I just want to know if this is to reclassify a position that is already in effect?
Auditor Costin: Yes.
Council Member Boose: Mr. President. Is it a reclassification of a position? This is a creation of a new position, is it not, or a different position and the current position will not be filled?

Mayor Gillock: This is a re-titlement, if you want to call it that, of an existing position. What is the current title Chris?
Auditor Costin: Finance Clerk.
Mayor Gillock: When we did some reorganization with the union, we dropped some of the employees in Mr. Costin's department out of the union and we added some in the Building and Engineering Department. This was one of the positions we dropped, which was the Finance Clerk position. However, the union's rules and regulations will not allow them to drop a job title from their list that they submit to SERP. To take that position out of the union, we had to give it a new name. So, we are changing the Finance Clerk to Finance Technician. It is the same person. The person doesn't matter. It is the same position with the same pay scale. It is a re-title of that job position.
Council Member Boose: The Finance Clerk position will no longer be . . .
Mayor Gillock: It will exist.
Council Member Boose: It will exist, but it will not be filled?
Mayor Gillock: It will not be filled, correct.
President Corcoran: Any other comments? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Smith: It has been adopted unanimously and becomes ordinance number 4767-2010.

Permanent Ordinance No. 4767-2010

T 73-2010 AN ORDINANCE AMENDING ORDINANCE NO. 4486-2007 BY
4768-2010 INCLUDING THE FULL-TIME POSITION OF FINANCE TECHNICIAN, AND TO CREATE AND ESTABLISH A WAGE RATE FOR THIS POSITION.
Third Reading
moved by Johnson, seconded by Butkowski to adopt T 73

President Corcoran: Any comments or questions?
Council Member Buescher: Mr. President, I just have a question. If this is just a change of title, why would there be a need to change the wage.
Mayor Gillock: It is not a change. You have to have a salary schedule for that position. The salary schedule is the same as the one that was in existence for the Finance Clerk.
President Corcoran: Any other comments? It was moved by Johnson and seconded by Butkowski to adopt T 73. Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Smith: Clerk of Council Smith: It has been adopted unanimously and becomes ordinance number 4768-2010.

Permanent Ordinance No. 4768-2010

T 63-2010 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO KNOWN AS

THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING LAND: PROPERTY CONSISTING OF THE NORTHWEST CORNER OF CENTER RIDGE ROAD AND FOWLERS RUN AND FRONTING ON SONGBIRD LANE; PERMANENT PARCEL NUMBERS 07-00-045-110-096 AND 07-00-045-110-105, 07-00-046-107-019 AND 07-00-046-107-020 (AS SHOWN BY LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE DISTRICT TO B-3 HIGHWAY COMMERCIAL DISTRICT AND OWNED BY LAKE RIDGE HOLDINGS LTD AND SANDY RIDGE DEVELOPMENT.
Third Reading

Council Member Boose: Mr. President, I want to thank the residents who showed up this evening for the public hearing, who spoke during the public hearing and also who spoke during lobby session in regards to this topic. I also want to thank Mr. Yost and the O'Neill family. They have been outstanding corporate citizens in the North Ridgeville community. Some residents who spoke earlier this evening gave us a stack of stuff here, that I would certainly like the opportunity to review and understanding that this has gone through a couple readings; for some reason our network of procedures have this public hearing landing on the same evening as the third reading and a decision on it. I just feel that right now, I am very much in favor of the project, because of what I have heard and learned in Planning Commission and everything else. However, I think it would be disrespectful to not at least give the people who came here this evening and brought some information for us to consider to at least review it and consider it. So, I would ask that perhaps we postpone the vote on this message until we have had time to review this information. Thank you.

Council Member Olesen: Mr. President, I think a lot of these concerns will be part of the Planning procedure when this is presented, such as the buffering, etc., which was brought up tonight. I don't know whether we have to, at this point, postpone it because we can look at all the concerns and make sure that all these concerns are answered as best we can as the project is near conclusion.

Council Member Buescher: Mr. President, some of the questions that were brought forward this evening, I also asked about it at the Planning Commission meeting. I am kind of disappointed that some of the people here weren't at the Planning Commission to bring their concerns forward. I believe Mr. Yost did address some of those this evening. I think that this is a good project. I understand the concern that the residents have and I think that the buffering is an extremely important issue. Mr. Yost did address that and did say that, that would be taken care of. Hopefully, we do have that on the record. So, I think that we can go forward this evening.

moved by Olesen, seconded by Jaenke to adopt T 63

President Corcoran: Any comments or questions?

Council Member Boose: Yes, Mr. President. Again, I agree with everything Mrs. Buescher just said. I think the buffering will be taken care of. I think the things that many of the residents brought up were discussed in Planning Commission and will be addressed. My concern is that there may be things that they brought to us that I am not aware of that I think, at least, courtesy

would show that we try to give them every courtesy. Otherwise, it kind of sends a bad message to other public hearings that people come and talk and not that they aren't listened to, but perhaps they aren't afforded the courtesy. Perhaps this talks to further issue with our policies or procedures that perhaps we should avoid at all costs. I know that it is difficult in scheduling these things, a public hearing on the same evening as a potential vote on a particular issue.
Council Member Buescher: Mr. President, if we were to consider what Mr. Boose is saying, we are going into recess and will be gone the entire month of August. If this would be postponed, I would suggest that it only be postponed for a week or so and then, we would come in for a special meeting to be able to address this, if possible.
Council Member Boose: Mr. President, that brings up a point of order. I know that I have spoken before, but to the Law Director. Because it has to do with zoning and property, would Council be allowed to have a special meeting to take final judgement on this in a week's time or whenever Council seemed appropriate; or because it is a land or zoning issue, do we have to do it at a regularly scheduled meeting?
Law Director Crites: No, you could do that. You've already met the main requirement in terms of the subject occurring at three separate meetings and not be passed with the emergency measure. The fact that it has appeared for three readings on three different dates has been satisfied, so Council would have authority to postpone it and act upon it at a special meeting, if you wanted to.
Council Member Boose: Having said that, again, I would just ask my fellow Councilmen to consider that. Again, I believe the project is very worthwhile and I am in support of it as I see it. But, again, there are things here that were just handed to us this evening that we have not had an opportunity to address. Thank you.
President Corcoran: Any other comments?
Council Member Buescher: Mr. President, I would be willing to postpone this for a week, if we can set this up, because this is my Ward and I would like to look these things over, also.
moved by Buescher, seconded by Boose to postpone for no more than ten days
Council Member Butkowski: Do we have to withdraw the motion that is already on the floor?
Mayor Gillock: I didn't hear the motion. Can Council members please speak up?
Council Member Buescher: The motion would be to postpone to a date certain and no more than ten days.
Law Director Crites: Mr. President, the other issue that has been raised by Councilwoman Butkowski is whether or not the original motion to adopt has to be withdrawn. I don't believe it does because, I believe that it would be appropriate to treat the motion to postpone as an intervening motion. So, we would now take a vote on the motion to postpone for a date no greater than ten days. That would determine whether or not you accept the motion to adopt. That motion to postpone would require a simple majority of four votes.
Mayor Gillock: Mr. President, my personal feeling would be not to postpone because, the vote will not be on television. It will still be a public vote, but it won't be near as public as this is and I would certainly request a vote. The other thing is that we have meetings scheduled for every

evening other than the weekend, from now until next week. So, we are going to double up on meetings. We are scheduling a meeting for 7:00 P.M. next Monday for the Utilities Committee to work on the sewer rates. That is at 7:00 P.M. so, I would suggest that if we are going to do this, we do it either at 6:00 P.M. or at 6:30 P.M. on Monday. The other meetings that are scheduled are for Park and Rec, Planning, Zoning and we have a meeting for Drainage, so there is something every night.
President Corcoran: That is the question. We need to have at least a majority to pass this and we need to know if people are available. It doesn't make sense to postpone it if nobody is going to show up. Is anyone not available Monday, the 26 at 6:00 P.M.?
Council Member Boose: Point of order, if the motion on the table right now would pass.
President Corcoran: Right. Any other comments on the motion to postpone? We might as well amend the motion. Mrs. Buescher, would you be willing to amend your motion to specifically state the 26 at 6:00 P.M.?

moved by Buescher, seconded by Boose to amend the motion to postpone the vote on T 63 until Monday, July 26 at 6:00 P.M..

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

Yes, 7 No, 0

Clerk of Council Smith: Motion passed unanimously.
Council Member Boose: Mr. President, I would just like to make a request that all the documents that the residents did provide us this evening, if we could all have copies of them so that we could review them prior to the meeting. Thank you.
Mayor Gillock: Mr. President, I would ask that at that meeting, that a decision be made and if there are more things brought in, that we don't postpone again. We need to be aware of the developer's concerns in regard to the construction season. We need to make a decision.
Council Member Boose: I would agree with that. If residents here have more information, they need to get them to the Clerk of Council very soon. Again, we had a public hearing this evening and so this was their time to address their concerns. That is why I don't have an issue in trying to postpone it for a few days so that I can read the information. If people come later that evening with new information, we are going to have to consider that, that evening and make a vote. I do certainly agree with that.
Council Member Johnson: Mr. President, I just wanted to comment that if anyone, in the future, has concerns like this, as this had three readings through Council; it went through Building and Lands; it went through Planning Commission, that they should bring their concerns at one of the prior meetings, rather than wait until the very end. It is much easier.

COMMITTEE MEETING ANNOUNCEMENTS:

President Corcoran:
A Special Council Meeting has been scheduled for Monday, July 26, 2010 at 6:00 P.M. in Council Chambers.

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

ADJOURNMENT:

moved by Butkowski, seconded by Buescher to adjourn
President Corcoran: There was a motion to adjourn. All those in favor say yes. Those opposed say no.

Yes, 7 No, 0

President Corcoran: Meeting is adjourned.

Meeting adjourned at 8:58 P.M.

Approval of Minutes:

These Minutes were approved at a regular meeting of the North Ridgeville Municipal Council on September 7, 2010:

PRESIDENT OF COUNCIL KEVIN CORCORAN

CLERK OF COUNCIL GEORGE E. SMITH