

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JULY 18, 2005**

CALL TO ORDER: 7:30 P.M.

Mayor David Gillock: I call the regular meeting of the North Ridgeville City Council to order. At this time, because the Council President and the President Pro-Tem are both absent this evening, I will open nominations for an Interim President of Council to handle tonight's meeting.

 moved by Buescher to nominate Mr. Swindig

 moved by Jaenke, seconded by Young to close nominations for the Interim President of Council

Mayor Gillock: Is there any discussion? All those in favor, say aye.

 Yes, 5 No, 0

Mayor Gillock: Mr. Swindig, you have been nominated Interim President.

INVOCATION: lead by Council Member Swindig

PLEDGE OF ALLEGIANCE: by all

CALLING OF THE ROLL - ROLL CALL:

Present were Council Members Nancy Buescher, Richard Jaenke, Bob Olesen, Andy Young and Interim President Allen Swindig.

Absent were President Ronald Arndt and President Pro-Tem Bernadine Butkowski.

Also, present were Mayor David Gillock, Safety-Service Director Denny Johnson, Law Director Andrew Crites, Engineer Larry Griffith, Auditor Chris Costin and Chief Deputy Clerk of Council Paula Cope.

Interim President Swindig: I will entertain a motion to reopen the Public Hearing.

 moved by Young, seconded by Olesen to suspend By-Laws to reopen the Public Hearing for T 87-2005

Interim President Swindig: All in favor, say yes. All those oppose, say no. Any abstentions?

 Yes, 5 No, 0

Interim President Swindig: We will reconvene the Public Hearing

Council recessed in order to resume the Public Hearing regarding T 87-2005 at 7:35 P.M.

Council reconvened the regular Council meeting at 7:41 P.M.

MINUTES - Corrections (if any) and Approval:

Chief Deputy Clerk Cope:

Council Minutes of special meeting held June 28, 2005

Please note the correction to Roll Call: Auditor Chris Costin arrived at 5:15 P.M.

 moved by Olesen, seconded by Jaenke to approve the minutes

Interim President Swindig: Is there any discussion? No discussion? All in favor, say yes. All those oppose, say no. Any abstentions?

Yes, 5 No, 0

Public Hearing Minutes of July 5, 2005 re: T 80-2005

 moved by Buescher, seconded by Jaenke to approve

Interim President Swindig: Is there any discussion? No discussion? All in favor, say yes. All those oppose, say no. Any abstentions? Will the Clerk please call the roll.

 Yes, 4 No, 0 Abstain, 1 (Young)

Chief Deputy Clerk Cope: Minutes have been approved by a vote of four, zero, one.

Public Hearing Minutes of July 5, 2005 re: 2006 Budget

 moved by Olesen, seconded by Jaenke to approve

Interim President Swindig: Is there any discussion? No discussion? Please call the roll.

 Yes, 4 No, 0 Abstain, 1 (Young)

Chief Deputy Clerk Cope: Minutes have been approved by a vote of four, zero, one.

Council Minutes of regular meeting held July 5, 2005

 moved by Buescher, seconded by Jaenke to approve

Interim President Swindig: Is there any discussion?

Council Member Young: Mr. President, I would just like to thank the Mayor and also President Arndt for giving me and my family good wishes for the birth of my son on July 5th, which was the reason I was not at the council meeting. Those minutes will be forever a keepsake.

Interim Council Swindig: Any other discussion? If not, please call the roll.

 Yes, 4 No, 0 Abstain, 1 (Young)

Chief Deputy Clerk Cope: Minutes are approved by a vote of four, zero, one.

Council will also note:

Planning Commission Minutes of special meeting June 30, 2005

Planning Commission Minutes of regular meeting July 12, 2005

MAYOR AND DIRECTORS REPORTS:

Interim President Swindig: We come to the Mayor and Director's reports. Mayor Gillock?

• **Mayor**

Mayor Gillock: Thank you, Mr. Swindig and thank you for filling in this evening as Council President. Councilmen, on your desk tonight, you will find an ordinance accepting relocated Lear Nagle Road and dedicating it for public purposes. I would ask the By-Laws be suspended to add this to the agenda under Ordinances and Resolutions and a T number assigned.

 moved by Mayor Gillock, seconded by Young to suspend By-Laws to add T 104-2005 to Ordinances and Resolutions tonight

Interim President Swindig: All those in favor, say yes. All those oppose, say no. Any abstentions?

Yes, 5 No, 0

Mayor Gillock: Thank you, Mr. President and when this comes up under Ordinances and Resolutions, I would ask that it be referred to Planning Commission for their approval in getting the road dedicated.

On June 29, the Ohio Department of Rehabilitation and Corrections notified us that as a result of their inspection on June 21, 2005, we received 100 percent compliance of this year's inspections. Sergeant Don Smith, our Jail Administrator, and the entire staff are to be commended for this perfect score.

This is a painting done by Nate Rogers that was presented as a going away gift to Richard and Mary Lou Gienopie when they moved out of North Ridgeville in 1974. The Gienopie's have now donated this picture to the City. Mary Lou was a teacher at Liberty Elementary, so some of our residents may remember her. We appreciate their thoughtfulness and will find an appropriate place in City Hall to hang this original artwork.

This week, beginning this morning, the Ohio State Patrol has started working with the North Ridgeville Police in pulling over overweight trucks. As an example, this morning, one truck that was pulled over with an allowable gross weight of 35,000 pounds was weighed at 67,000 pounds, resulting in a substantial fine. These vehicles tear up our roads and the Ohio State Patrol will continue these stops throughout the future in different areas to try and stop this wanton destruction of our streets.

Starting tomorrow, Lear Nagle North will be closed for two weeks, just north of Center Ridge Road. This is to allow for connection of the new road to the old and to Center Ridge Road. The detour will be Mills to Jaycox to Center Ridge or visa-versa. Also, Maddock is closed to through traffic most of this week to allow for sewer construction. It will be open to local traffic, but the sewer is being placed in the west lane, so traffic will only be in the one lane and we would like to keep traffic to a minimum. We will keep it open for safety forces.

Paving is being done on Center Ridge Road, now, as well as our continuing sewer work. Traffic is being maintained. Please be patient as these improvements are being completed.

On a brighter note, on July 27th, a week from Wednesday, at the Library, from 4:00 to 8:00 P.M., the City is hosting an open house regarding the Center Ridge Road corridor study. The general public is invited and we are collecting opinions, comments and feedback on the Center Ridge Road corridor study. At that meeting, exhibits and handout materials will be available. Also, short presentations will be made at 4:30 and 6:30 P.M. This meeting is part of our overall study to apply for funding for ultimately widening Center Ridge Road and your input will be appreciated. Come one, come all. We need you there.

That concludes my report for this evening.

Interim President Swindig: Thank you, Mayor. Safety Service Director?

- **Safety-Service Director**

Safety-Service Director Johnson: Thank you, Mr. Swindig. Sewer work at Center Ridge Road is over the half way point. The contractor should be completing the lateral installations before the Corn Festival, allowing the repaving of the area to continue. The railroad tracks at the Elyria border will also be repaired at approximately the same time. Please continue to be patient. The end is in sight. We will have fresh pavement and a newly sewered business district as a reward for putting up with all the delays. Finally, I would ask that Council consider passing T 100 by emergency tonight. This will allow us to help keep the French Creek Plant updates on track. This is for the biosolids, dewatering and hiring an engineering firm to get that program started.

Thank you very much. That concludes my report.

Interim President Swindig: Thank you. City Engineer, Mr. Griffith?

- **Engineer**

Engineer Griffith: Thank you, Mr. President. On Friday, July 8th, I had the pleasure of attending an Ohio EPA and Black River Remedial Action Plan Coordinating Committee sponsored meeting at the Carlisle Visitor's Center. The purpose of the meeting was to discuss the Total Maximum Daily Load (TMDL) project for the Black River. The Black River, by the way, receives all of North Ridgeville's storm water runoff. A TMDL is a regulation requirement of the U.S. Clean Water Act and is intended to address both direct discharges of wastewater such as industrial plants, wastewater treatment plants, septic tanks, etc. and indirect sources such as snow melt, rain, etcetera. What has been found thus far is that the two biggest problems are siltation and nutrients. Siltation is generally caused by lack of ground cover and erosion controls. Nutrients are generally caused from over-fertilizing, animal wastes and septic tanks. The major sources of fecal coliforms in the Black River are from pet wastes and from failing or under maintained septic tanks. The good news is that most industrial and municipal discharge problems have been eliminated. What does this all mean to us? The U.S. E.P.A. has given the Black River watershed five (5) years to clean up its act. If we do not, restrictions will be imposed. These restrictions may consist of one or more of the following; prohibiting new development or requiring the installation of sanitary sewers in un-sewered areas or requiring the treatment of storm water runoff, and etcetera. I do not like any of these since they will all be very costly to the City and it's residents. Now you can see the importance of following the suggestions I talk about at council meetings.

Thank you, Mr. President, that concludes my report this evening.

Interim President Swindig: Thank you, Mr. Griffith. Auditor, Mr. Costin? Costin.

• **Auditor**

Auditor Costin: Thank you, Mr. Chairman. I have a few items to discuss. First of which is the Auditor's written June report you all should have received.

Auditor's Written Financial Report for June 2005

moved by Swindig, seconded by Young to accept

Interim President Swindig: All those in favor, say yes. All those oppose, say no. Any abstentions?

Yes, 5 No, 0

Auditor Costin: Also, you should have found when you reached your seats this evening, the 2004 Comprehensive Annual Financial Report. This was released concurrent with the release of the Annual Audit by the Auditor of State, which occurred this past week. There is a deluge of information. What you will find most useful are the supplementals S 1 and following that gives a ten year trend of information on the City. Of course, we are always available for any questions should you request.

On the agenda this evening are a few items of financial business. One of which is T 98, an appropriation ordinance. There are only two items on it and would request that council consider passing this with the emergency tonight and I'll explain more in detail when we arrive at the reading of T 98, if you so choose. Also, T 99 eliminates the full reading of appropriation ordinances. We are one of the few cities that does that any longer. Again, I would request that you request that and I will explain further when we get to that. T 97 is the second step in a two step process for the police levy replacement. Should Council continue to desire to have that on the ballot, you may wish to consider passing that tonight as well, so we could meet our deadlines of having it to the Board of Election on a timely basis and by August 25. That concludes my report and my comments.

Interim President Swindig: Other reports?

• **Other Reports**

Chief Deputy Clerk Cope:

Mayor's Court Operating Trust Fund/Bail Trust Fund for June 2005

Fire Department Report for June 2005

Planning Commission Report to Council of the special meeting June 30, 2005:

APPLICANT:	John P. Tillery, Tillery Holdings, Inc., 1677 Elm Drive, Avon, Ohio 44011
OWNER:	Same
REQUEST:	Approval to construct an additional building
LOCATION:	5147 Mills Industrial Parkway in an I-2 District

Permanent Parcel No. 07-00-018-101-238

PC ACTION: Approved by a vote of five to zero

moved by Jaenke, seconded by Olesen to approve

Interim President Swindig: Is there any discussion? Being none, all those in favor, say yes. All those oppose, no. Any abstentions?

Yes, 5 No, 0

Planning Commission Report to Council of the regular meeting July 12, 2005:

APPLICANT: Neff & Associates, 6405 York Road, Parma Heights, OH 44130

OWNER: Mould Development LLC, 34837 Lorain Road

REQUEST: Final Approval for Butternut Grove Subdivision, Phase 2

LOCATION: End of existing Plantation Place Subdivision and east of Island Road in an R1 District

Permanent Parcel Nos. 07-00-013-000-168, -210, and -211

PC ACTION: Approved by a vote of five to zero

moved by Jaenke, seconded by Olesen to approve

Interim President Swindig: Is there any discussion? Being none, all those in favor, say yes. All those oppose, no. Any abstentions?

Yes, 5 No, 0

APPLICANT: North Ridgeville Church of Christ, 36350 Chestnut Ridge Road

OWNER: Same

REQUEST: Approval to construct an additional parking lot eastward with asphalt and stone

LOCATION: 36350 and 36364 Chestnut Ridge Road in an R1 District

Permanent Parcel Nos. 07-00-025-101-025, -064, and -068

PC ACTION: Approved by a vote of five to zero

moved by Buescher, seconded by Jaenke to approve

Interim President Swindig: Is there any discussion? Being none, all those in favor, say yes. All those oppose, no. Any abstentions?

Yes, 5 No, 0

COUNCIL COMMITTEE REPORTS:

Chief Deputy Clerk Cope:

1) UTILITIES COMMITTEE REPORT #5572 Members of Council: We have considered the matter of T 30-2005.

Section 1.: That 1462.04(b)(3)(B) shall be amended to add:

Where wireless telecommunications are located with Residential Zoning Districts, and non-conforming residential use areas, the setback shall be 750 feet from any residence within the residential area and 100 feet from a residential lot line.

Section 2.: Eliminated.

Section 3.: To be the new Section 2.

Section 4.: To be the new Section 3.

And recommend that this request be approved and revised legislation be drawn authorizing the above.

Signed: Chairperson Young and Members Butkowski and Buescher.

 moved by Buescher, seconded by Young to approve

Interim President Swindig: Is there any discussion? Being none, all those in favor, say yes. All those oppose, no. Any abstentions?

 Yes, 5 No, 0

- 2) BUILDINGS & LANDS COMMITTEE REPORT #5573 Members of Council: We have considered the matter of the request to vacate a portion of Roosevelt Avenue between Rose Street and Frances Street and recommend that this request be approved and proper legislation be drawn authorizing the above.

Signed: Chairperson Jaenke and Members Olesen and Young.

 moved by Jaenke, seconded by Olesen to approve

Interim President Swindig: Is there any discussion? Being none, all those in favor, say yes. All those oppose, no. Any abstentions?

 Yes, 5 No, 0

- 3) BUILDINGS & LANDS COMMITTEE REPORT #5574 Members of Council: We have considered the matter of Planning Commission's recommendation to approve the change in zoning classification from R-1 and B-3 to I-2 for property owned by Valore Properties and Rini Realty and recommend that this request be denied.

Signed: Chairperson Jaenke and Members Olesen and Young.

 moved by Jaenke, seconded by Olesen to accept

Interim President Swindig: Is there any discussion? Being none, all those in favor, say yes. All those oppose, no. Any abstentions?

 Yes, 5 No, 0

- 4) BUILDINGS & LANDS COMMITTEE REPORT #5875 Members of Council: We have considered the matter of the petition submitted by Valore Properties and Rini Realty for a change in zoning classification from R-1 and B-3 to I-2 and recommend that this request be denied.

Signed: Chairperson Jaenke and Members Olesen and Young

 moved by Jaenke, seconded by Olesen to accept

Interim President Swindig: Is there any discussion? Being none, all those in favor, say yes. All those oppose, no. Any abstentions?

 Yes, 5 No, 0

Interim President Swindig: Is there any other committee reports before us tonight? Being none,

we'll move onto Correspondence.

CORRESPONDENCE:

Chief Deputy Clerk Cope: Correspondence for the regular council meeting July 18, 2005:

- 1) Received a letter from Engineer Larry Griffith notifying Council that all work has been completed in the Butternut Grove Subdivision No. 1 per the Developer's Agreement and it is recommended the subject subdivision receive final acceptance by Council.
- 2) Received from Lorain County Auditor Mark Stewart, the Certificate of Estimated Property Tax Revenue for the 1.95 mill replacement levy for Police purposes.
- 3) Received from the Auditor of State, Betty Montgomery, the 2004 Audit and Comprehensive Financial Report.
- 4) Received from the City of Avon, a certified copy of their resolution authorizing a cooperative agreement to replace the bridge on Mills Road east of Nagel.

Mayor Gillock: Mr. President, if I could, I would like to take a second to explain what that is. There may be legislation coming in the future. There is a bridge on the east part of Mills Road, east of Lear Nagle that, although right now it is safe, the County Engineer is checking it weekly as it needs major repair. We have agreed with the City of Avon and the County to work together to apply for Issue Two funding to pay for the replacement of that bridge. The three of us will pay the contribution matched portion, which would be approximately seventy-five thousand, split equally.

- 5) Received a letter from the Ohio Department of Commerce, Division of Liquor Control, notifying the City that all permits to sell alcoholic beverages will expire October 1, 2005 and enclosing a brochure entitled "How to Object to the Issuance or Renewal of a Liquor Permit".

NEW BUSINESS:

Interim President Swindig: There being none, we'll move onto the Audience Participation.

AUDIENCE PARTICIPATION (Lobby):

Interim President Swindig: There is a form in the back of Council Chambers to be completed. Please give us your name and address, if you choose to speak and you will have three minutes. Is there anyone wishing to address Council tonight?

- 1) Ann Marie Blevins, candidate for the Elyria Municipal Court Clerk introduced herself to the community. She explained the position of Elyria Municipal Court Clerk.

Interim President Swindig: Mrs. Blevins, this has nothing to do with our city business and our

By-Laws state that audience participation strictly includes city business only. Thank you. Is there anyone else wishing to speak?

2) Carol Handy, owner of North Ridge Supplies, 7385 Race Road asked Council to help maintain the dust and road debris that Fabrizi Construction has created. Explained that she has complained to the appropriate departments and that their business has suffered tremendously because of this dust and dirt. They have had to refrain from doing specific detailing business for their customers. Spoke her concerns related to gray sludge that was poured onto plastic.

Council Member Buescher: Mr. Chairman, if I may respond. People have been unbelievably patient with the incredible amount of work that has been going on, on Center Ridge Road. In fact, as Representative of Ward 1, I'm pretty amazed that I haven't received more calls. I have to say that people have given up a lot on their properties and they still are trying to live through this as best as they can. Carol Handy's situation is probably one hundred times worse than what anyone else is having to put up within this situation. I am asking that the City, please, try to give her as much help as possible because she has been patient. I think that your patience runs pretty thin at this point. I have been there and I know exactly what she is saying. I also know that North Ridgeville Tire Center is also suffering. I think that at the end of all this, those parking lots should be swept clean. However, in the mean time, something has to be done to hold down that dust. Thank you.

Interim President Swindig: Would anyone else want to approach your Council? Being that there is no one else, does Council wish to go into recess.

moved by Young, seconded by Jaenke to dispense with recess

Interim President Swindig: Is there any discussion? Being none, all those in favor, say yes. All those oppose, no. Any abstentions?

Yes, 5 No, 0

Interim President Swindig: Moving onto Ordinances and Resolutions.

ORDINANCES AND RESOLUTIONS:

Chief Deputy Clerk Cope:

• **Ordinances & Resolution Submittals**

T 98-2005 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 4127-2005 AND 4160-2005 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2005 AND ENDING DECEMBER 31, 2005.

moved by Olesen, seconded by Young to give T 98 its' first reading tonight

Interim President Swindig: Is there any discussion? Being none, all those in favor, say yes. All

those oppose, no. Any abstentions?

Yes, 5 No, 0

Interim President Swindig: T 98 will receive its' first reading tonight.

T 99-2005 AN ORDINANCE AMENDING SECTION 222.02 OF THE NORTH
RIDGEVILLE CODIFIED ORDINANCES, READING OF ORDINANCES
AND RESOLUTIONS IN FULL; EXCEPTIONS.

moved by Olesen, seconded by Jaenke to give T 99 its' first reading tonight

Interim President Swindig: Is there any discussion? Being none, all those in favor, say yes. All
those oppose, no. Any abstentions?

Yes, 5 No, 0

T 100-2005 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED
BY LAW FOR THE PURPOSE OF CONTRACTING WITH A CONSULTING
ENGINEERING FIRM FOR PLANS, SPECIFICATIONS, AND
CONSTRUCTION PHASE SERVICES FOR SAME, NOT TO EXCEED
\$35,000.00, FOR A STUDY, INCLUDING BUT NOT LIMITED TO
MANAGING BIOSOLIDS PRODUCTION FROM DEWATERING TO THE
END PRODUCT.

moved by Young, seconded by Olesen to give T 100 its' first reading tonight

Interim President Swindig: Is there any discussion? Being none, all those in favor, say yes. All
those oppose, no. Any abstentions?

Yes, 5 No, 0

T 101-2005 AN ORDINANCE AMENDING NRCO SECTION 1228.01(B) ADDING A
PROVISION FOR THE DEPOSIT OF LEGAL FEES.

Interim President Swindig: THE CHAIR REFERS THIS TO THE ADMINISTRATIVE
COMMITTEE.

T 102-2005 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

moved by Swindig, seconded by Young to give T 102 its' first reading tonight

Interim President Swindig: Is there any discussion? Being none, all those in favor, say yes. All
those oppose, no. Any abstentions?

Yes, 5 No, 0

T 103-2005 A RESOLUTION APPROVING AND ADOPTING THE LORAIN COUNTY
ALL NATURAL HAZARDS MITIGATION PLAN.

moved by Olesen, seconded by Jaenke to give T 103 its' first reading tonight

Interim President Swindig: Is there any discussion? Being none, all those in favor, say yes. All
those oppose, no. Any abstentions?

Yes, 5 No, 0

T 104-2005 AN ORDINANCE ACCEPTING RELOCATED LEAR NAGLE ROAD AND DEDICATING IT FOR PUBLIC PURPOSES.

Interim President Swindig: THE CHAIR WILL REFER T 104 to BOTH THE PLANNING COMMISSION AND THE BUILDING AND LANDS COMMITTEE.

• **First Readings**

T 97-2005 A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF
1047-2005 NORTH RIDGEVILLE THE QUESTION OF THE REPLACEMENT OF AN
EXISTING 1.95-MILL TAX LEVY FOR THE PURPOSE OF PROVIDING
AND MAINTAINING MOTOR VEHICLES, COMMUNICATIONS, AND
OTHER EQUIPMENT USED DIRECTLY IN THE OPERATION OF THE
POLICE DEPARTMENT OF THE CITY OF NORTH RIDGEVILLE, OHIO,
AND THE PAYMENT OF SALARIES OF PERMANENT POLICE
PERSONNEL OF THE CITY OF NORTH RIDGEVILLE, OHIO, PURSUANT
TO SECTIONS 5705.19(J) AND 5705.192 OF THE REVISED CODE.

First Reading

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

Interim President Swindig: Is there any discussion? Being none, all those in favor, say yes. All those oppose, no. Any abstentions?

Yes, 5 No, 0

moved by Young, seconded by Olesen to adopt

moved by Young, seconded by Olesen to add the emergency to meet the deadline

Interim President Swindig: Is there any discussion on the emergency? Being none, all those in favor, say yes. All those oppose, no. Any abstentions?

Yes, 5 No, 0

Interim President Swindig: We have a motion by Mr. Young, seconded by Mr. Olesen to approve T 97 with the emergency. Is there any discussion? If not, all those in favor, say yes. All those oppose, no. Any abstentions?

Yes, 5 No, 0

Chief Deputy Clerk Cope: T 97-2005 has been adopted by Council with the emergency and becomes permanent resolution number 1047-2005.

Permanent Resolution No. 1047-2005

T 98-2005 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 4127-
4171-2005 2005 AND 4160-2005 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR
THE PERIOD COMMENCING JANUARY 1, 2005 AND ENDING
DECEMBER 31, 2005.

First Reading In Full

moved by Swindig, seconded by Olesen to suspend second and third readings

Interim President Swindig: Is there any discussion? Being none, all those in favor, say yes. All those oppose, no. Any abstentions?

Yes, 5 No, 0

moved by Swindig, seconded by Olesen to adopt

moved by Swindig, seconded by Olesen to add the emergency in order to meet the costs for the Civil Service Examination

Interim President Swindig: Is there any discussion on the emergency? Being none, all those in favor, say yes. All those oppose, no. Any abstentions?

Yes, 5 No, 0

Interim President Swindig: We have a motion and a second to approve T 98 with the emergency. Is there any discussion? If not, all those in favor, say yes. All those oppose, no. Any abstentions?

Yes, 5 No, 0

Chief Deputy Clerk Cope: T 98-2005 has been adopted with the emergency and becomes permanent ordinance number 4171-2005.

Permanent Ordinance No. 4171-2005

T 99-2005 AN ORDINANCE AMENDING SECTION 222.02 OF THE NORTH
RIDGEVILLE CODIFIED ORDINANCES, READING OF ORDINANCES
AND RESOLUTIONS IN FULL; EXCEPTIONS.
First Reading

T 100-2005 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
4172-2005 CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED
BY LAW FOR THE PURPOSE OF CONTRACTING WITH A CONSULTING
ENGINEERING FIRM FOR PLANS, SPECIFICATIONS, AND
CONSTRUCTION PHASE SERVICES FOR SAME, NOT TO EXCEED
\$35,000.00, FOR A STUDY, INCLUDING BUT NOT LIMITED TO
MANAGING BIOSOLIDS PRODUCTION FROM DEWATERING TO THE
END PRODUCT.
First Reading

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

Interim President Swindig: Is there any discussion? Being none, all those in favor, say yes. All those oppose, no. Any abstentions?

Yes, 5 No, 0

moved by Young, seconded by Olesen to adopt

moved by Young, seconded by Buescher to add the emergency in order to help bolster the infrastructure at the sewage treatment plant so it continues as an ongoing concern

Interim President Swindig: Is there any discussion on the emergency? Being none, all those in favor, say yes. All those oppose, no. Any abstentions?

Yes, 5 No, 0

Interim President Swindig: We have a motion and a second to approve T 100 with the emergency. Is there any discussion? If not, all those in favor, say yes. All those oppose, no.

Any abstentions?

Yes, 5 No, 0

Chief Deputy Clerk Cope: T 100-2005 has been adopted with the emergency and becomes permanent ordinance number 4172-2005.

Permanent Ordinance No. 4172-2005

T 102-2005 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

1048-2005 First Reading

moved by Swindig, seconded by Young to dispense with second and third readings

Interim President Swindig: Is there any discussion? Being none, all those in favor, say yes. All those oppose, no. Any abstentions?

Yes, 5 No, 0

moved by Swindig, seconded by Young to adopt

Interim President Swindig: Is there any discussion? Being none, all those in favor, say yes. All those oppose, no. Any abstentions?

Yes, 5 No, 0

Chief Deputy Clerk Cope: T 102-2005 has been adopted by Council and becomes permanent resolution number 1048-2005.

Permanent Resolution No. 1048-2005

T 103-2005 A RESOLUTION APPROVING AND ADOPTING THE LORAIN COUNTY

1049-2005 ALL NATURAL HAZARDS MITIGATION PLAN.

First Reading

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

Interim President Swindig: Is there any discussion? Being none, all those in favor, say yes. All those oppose, no. Any abstentions?

Yes, 5 No, 0

moved by Olesen, seconded by Jaenke to adopt

Interim President Swindig: Is there any discussion? Being none, all those in favor, say yes. All those oppose, no. Any abstentions?

Yes, 5 No, 0

Chief Deputy Clerk Cope: T 103-2005 has been adopted by Council and becomes permanent resolution number 1049-2005.

Permanent Resolution No. 1049-2005

- **Second Readings**

Chief Deputy Clerk Cope: There are no second readings tonight.

- **Third Readings**

T 87-2005 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED
4173-2005 ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO KNOWN AS
THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING
LAND: VACANT PROPERTY ON CHESTNUT RIDGE ROAD KNOWN AS
PERMANENT PARCELS NUMBER 07-00-036-000-050 AND 07-00-025-106-
061 AND PROPERTY LOCATED AT 36721 CHESTNUT RIDGE ROAD
KNOWN AS PERMANENT PARCEL NUMBER 07-00-025-106-007 (AS
SHOWN BY LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE
DISTRICT TO B-3 HIGHWAY COMMERCIAL DISTRICT AND OWNED BY
COMMUNITY HEALTH PARTNERS PHYSICIANS, INC.

Third Reading

moved by Young, seconded by Jaenke to adopt

Interim President Swindig: Is there any discussion?

Council Member Young: Mr. President, I moved to adopt this and I speak as proponent of this zoning change as a representative of the entire City. While I feel for the residents of Chestnut Ridge Road and your concerns that you have here, I have to answer to the remainder of my constituents being the rest of the City. Part of my duties is to uphold the health, safety and welfare of the City. We are not just bringing in some commercial development. We are bringing in a hospital, Community Health Partners. That affects all three of those requirements that I have. I applaud your efforts in staying together as a cohesive unit. I recommend highly that you continue to stay together because this is only regarding the zoning issue. The stuff that you raised both in the Public Hearing and early during this meeting tonight, are issues such as buffering, the road way, etcetera. Those are all important issues for the Planning Commission. This isn't the only vote that is going to be on this and it is important that you stay as a cohesive unit to make your voices heard at each of these integral phases that are upcoming. That is when the actual details of how this is going to look and appear behind your houses and this is going to change the actual face of your view, etcetera. So, it is important that you continue to stay a cohesive unit and go through the process. Council has to approve each process. That includes the flooding issues. The first phase will be the preliminary plan through Planning Commission; Council will have to approve that. The next phase will be the final approval through Planning Commission and then Council will have to approve that. Stay together as a unit and continue to go through to make sure that this thing addresses all of your concerns and that Community Health Partners just doesn't go through with a project that you definitely do not want. I thank you again for your comments and staying together and I think that this is actually a good thing for our community.

Council Member Buescher: Mr. Chairman, first of all, I want to say that it is very difficult sitting in this seat especially when it comes to rezoning issues. There has been rezoning in the past that I don't think should have been done and once it is done, it's final. When I came here tonight, my feeling was that this is the best thing that we can do for the City to have Community Health Partners come in on this piece of property. However, I have some real concerns regarding the legality of the deed restrictions. Usually, when someone who wants to develop property comes into the City, they have an option to purchase; until they find out if the City is going to go along

with the plan. Community Health Partners bought this property outright without having some discussions with City Council and the people in the community. I feel that there are questions here for as much as I would like to have this be where it is. I was in Avon and I looked at Avon Point, which is on Chester Road. It is a residential area and behind it there are medical offices and it is buffered beautifully. It is raised up off the ground, there is fencing and it does protect the residential homes in the front. I did call one of the residents and asked that he pass that along to you to go over there and take a look at that. But, I simply cannot vote on this knowing that there is a question about the deed restrictions. That is something that should have been looked into before the property was purchased and so I will vote no.

Council Member Olesen: Mr. President, I would just like to add one thing. I would hope the residents would keep in mind that the property behind their homes is not prime residential development. If this didn't happen, you could get very inexpensive homes back there and I'm not so sure you would like that either. I think that an organization such as Community Health Partners would do its' very best to keep that line attractive for our community. Thank you.

Council Member Buescher: Mr. Chairman, I agree with what you said Mr. Olesen and I think that it may not be a bad idea. But, like I said, I am concerned about the deed restrictions.

Council Member Jaenke: Mr. Chairman, I would like to ask the Law Director for an opinion on deed restrictions as it relates to the City's responsibility.

Law Director Crites: I could give you one now only because it won't be very long. It is certainly a problem, but it is not a contract that the City is privy to. Of course, the City has a vested interest in what eventually happens there and we would hate to see somebody purchase the property for use that they could not go forward with but, as Mr. Innes mentioned when he addressed Council earlier, that is a matter that is between Community Health Partners and the people they purchased the property from. For now, that is a matter for Community Health Partners to rectify. I could speak briefly as to the deed restriction, but I am afraid that I would be stepping to far into hearsay. I have not looked into that much in enough detail, and certainly, the representative could speak on that, here tonight, It is my understanding that only some of the property carries the deed restriction for the outbuildings and I think that was, when I inquired, how they intended to rectify that situation.

Interim President Swindig: Thank you. Any other discussion? Please call the roll on the adoption of T 87.

Yes, 4 No, 1 (Buescher)

Chief Deputy Clerk Cope: T 87-2005 has been adopted by a vote of four to one and becomes permanent ordinance number 4173-2005.

Permanent Ordinance No. 4173-2005

OLD BUSINESS:

T 79-2005 AN ORDINANCE APPROVING THE FINAL PLAT OF PIONEER
4169-2005 RIDGE, SUBDIVISION 5 IN WATERBURY PCD FOR RECORDING
 PURPOSES ONLY.

moved by Swindig, seconded by Jaenke to approve

Interim President Swindig: Is there any discussion? Being none, all those in favor, say yes. All

those oppose, no. Any abstentions?

Yes, 5 No, 0

Chief Deputy Clerk Cope: T 79-2005 has been adopted by Council and that permanent ordinance number will remain as 4169-2005.

Permanent Ordinance No. 4169-2005

UPCOMING MEETING ANNOUNCEMENTS:

Chief Deputy Clerk Cope: Next Regular Council Meeting Tuesday, September 6, 2005 at 7:30 P.M. in Council Chambers.

Interim President Swindig: Mr. Costin?

Auditor Costin: Mr. Chairman. T 99 was a result of my request and I would appreciate if Council would give me one minute to address that. We have an ordinance in effect right now that requires that we read our appropriation ordinances in their entirety as we did tonight. Now, it was read by our Clerk tonight because it was a short appropriation ordinance. As you know, most of our appropriation ordinances are quite lengthy and so what we do to meet the technical requirement of a full reading, we put it on the recorder in the back and we have been doing that for quite a few years. I have yet to see anybody go over and listen to the recorder. Now, in this day and age of technology as we have, those ordinances are available and they are posted and quite frankly the reason for T 99 is to eliminate that necessity and the ordinance as it is in the form of T 99 actually complies with the Ohio Revised Code as to those items that Council is prohibited from not giving three full readings. If it is Council's wish, I would like them to consider revisiting this and passing it because at the next meeting, we have our first full revision. In September, we typically have our first full appropriation amendment. Accordingly, we prepare the ordinance in our office and communicate it to the Finance Committee. We then pass it up to the Clerk's office who records it and she will tell you that it is time consuming and cumbersome just for it to sit over here and not be listened to. I would suggest that if there are any questions, I would be glad to answer them, but I ask that Council give serious consideration to pass this ordinance and putting into affect so that we can eliminate that cumbersome technicality.

moved by Olesen, seconded by Jaenke that we suspend our By-Laws to reintroduce T 99
Interim President Swindig: Is there any discussion?

Council Member Young: Mr. President, I'm going to reluctantly vote in favor of this because I know that you need five votes in order to suspend the By-Laws. I am not overly thrilled that we are considering this out-of-order procedure, but to save our Clerk of Council from having to record this later on, I will vote in favor of it this evening.

Interim President Swindig: I think our Council Clerk will appreciate it and say thank you. Is there any other discussion? Being none, all those in favor, say yes. All those oppose, no. Any abstentions?

Yes, 5 No, 0

T 99-2005 AN ORDINANCE AMENDING SECTION 222.02 OF THE NORTH
RIDGEVILLE CODIFIED ORDINANCES, READING OF ORDINANCES
AND RESOLUTIONS IN FULL; EXCEPTIONS.

moved by Olesen, seconded by Jaenke to suspend second and third readings

Interim President Swindig: Is there any discussion? Being none, all those in favor, say yes. All
those oppose, no. Any abstentions?

Yes, 5 No, 0

moved by Olesen, seconded by Jaenke to adopt T 99

Interim President Swindig: Is there any discussion? Being none, all those in favor, say yes. All
those oppose, no. Any abstentions?

Yes, 5 No, 0

Chief Deputy Clerk Cope: T 99-2005 has been adopted by Council and becomes permanent
ordinance number 4174.

Permanent Ordinance No. 4174-2005

Interim President Swindig: I apologize to you Mr. Costin for not looking to you for a response.

Auditor Costin: You need not apologize as I was sitting here righting notes and I should have
drawn your attention.

Council Member Olesen: Mr. President, I would like to applaud you for a job well done tonight.

ADJOURN:

moved by Young to adjourn

Interim President Swindig: Meeting adjourned.

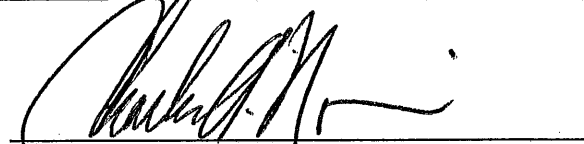
Meeting adjourned at 8:43P.M.

MOTION Buescher 2ND Jaenke DATE September 6, 2005

YES 5 NO 0 ABSTAIN 2 - Butkowski, Arndt



PRESIDENT OF COUNCIL DR. RONALD F. ARNDT



CLERK OF COUNCIL CHARLES A. NORRIS