

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JULY 17, 2006**

CALL TO ORDER: 7:30 P.M.

President of Council Pro-Tem Gayle Manning: The Chair calls to order, the North Ridgeville City Council Regular meeting dated Monday, July 17, 2006. If you will all rise for our Invocation, followed by our Pledge.

INVOCATION: lead by President Pro-Tem Manning.

PLEDGE OF ALLEGIANCE: by all.

CALLING OF THE ROLL - ROLL CALL:

Present were Council Members Nancy Buescher, Dennis Boose, Richard Jaenke, Bob Olesen, Bernadine Butkowski, and President Pro-Tem Gayle Manning.

Absent was President of Council Ron Arndt.

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

MINUTES - Corrections (if any) and Approval:

Clerk of Council Norris: Council has before it this evening:

Public Hearing Minutes of July 5, 2006 re: 2007 Budget

 moved by Butkowski, seconded by Jaenke to approve the minutes of the Public Hearing held July 5, 2006

President Pro-Tem Manning: Is there any discussion? If not, all those in favor signify by saying yes. All those opposed by no. Any abstentions?

 Yes, 6 No, 0

Clerk of Council Norris: Minutes are approved.

Council Minutes of regular meeting held July 5, 2006

 moved by Jaenke, seconded by Butkowski to approve the minutes of the regular Council Meeting held July 5, 2006

President Pro-Tem Manning: Is there any discussion? If not, all those in favor signify by saying yes. All those opposed by no. Any abstentions?

 Yes, 6 No, 0

Clerk of Council Norris: Minutes are approved.

Clerk of Council Norris: Council will also, please note, in their packets are the:

Planning Commission Minutes of regular meeting July 11, 2006.

MAYOR AND DIRECTORS REPORTS:

President Pro-Tem Manning: The Chair invites the Mayor and Director's the opportunity to provide City Council and our residents with an oral report. We would like to begin tonight with our Mayor, Mr. Gillock.

- **Mayor:**

Mayor Gillock: I would like to advise residents that the railroad crossing on Chestnut is now closed for repairs, and will be closed through July 21. This is at the request of Norfolk & Southern Railroad.

This month's water bill will have the quarterly newsletter enclosed. The cover story is about Gypsy Moths and their appearance in North Ridgeville. We will be hosting a meeting August 2 at the Library at 7:00 P.M. to discuss Gypsy Moths, the damage they can cause and what can be done about them. I would point out that the most effective time to treat for them is in May. Right now, the caterpillars that cause most of the damage are mostly, if not all, gone. The moths that you see are not harmful. Several surrounding cities are also experiencing problems with this destructive insect and you will see a lot of information regarding them in the next several months.

Also, according to the Lorain County Health Department, they will be spraying for mosquitos in North Ridgeville this evening, tomorrow and Wednesday, if needed, between 8:30 A.M. and midnight.

We had a couple complaints about power supply in the Avalon, Avalon Estates area, and the new development off of Case. That area is powered by Cleveland Electric Illuminating, CEI. They are building a new station off of Detroit Road. A new transformer has been installed, however, it is not yet operational. They are looking for a target date of August 1 for the new plant to be on line, so hopefully, these problems will be rectified at that time. In addition, we had a power outage in North Ridgeville this afternoon. Approximately 2,100 homes were without power. I have talked to Ohio Edison and all for about 130 homes have been restored and those should be restored within the next hour. Hang in there as we hope to get this rectified as soon as we can. At this point, they are not absolutely sure what the cause is as it is not a specific incident like a traffic accident and at this point, they are not sure.

Lastly, I have had several inquiries regarding the old gas station at the corner of Route 20 and Route 83. I will ask, that when I am finished with my report, that the Law Director add his remarks. I can tell you that it is currently in litigation. We filed for eminent domain and the owner has countersued, so now the lawyers have control of the process. A pretrial meeting was held last week and attorneys are now obtaining information from each other through a legal

process called discovery. This whole process can be very lengthy, months; perhaps longer, but we will persevere. That is an eyesore that I know has existed since 1997 and has never been addressed. We are taking steps to rid that from the City. We want that eyesore removed and replaced with something attractive and benefitting to our community as soon as possible. Many years after nothing being done, we are on our way to acquiring that property. Unfortunately, it does take time.

That concludes my report, and I would ask that the Law Director be allowed to speak if he has anything he would like to add to my remarks.

Law Director Crites: Thanks, Mr. Mayor and you are correct. I would say it is a pleasure to be involved in this process with the Mayor's support and the unanimous support of the Council to do something, which I think is going to be a really fantastic step in the right direction in doing what the master plan calls for and that is establishing a town center at the intersection of Route 83 and Center Ridge. As for the process, you are right Mr. Mayor, we did have our first pretrial last week. That would be a conference, which takes place, not in a courtroom, but amongst the attorneys essentially updating us on the status and what the expected progress or process of the case that is going to be. There is another pretrial conference set for September, which is, although it may be hard to believe, a fast track for common pleas litigation. I am begging the court and doing everything in my power to expedite the process, which I should mention is provided for in the Ohio Revised Code that as a matter of public interest, eminent domain actions should be given first priority on the courts dockets. However, a court as busy as Lorain County Common Pleas Court can only do so much and they are cooperating to that extent. I do want to make one point as to the legal posture or aspect of the action and that is for the residents as well as Council that it is very important to distinguish that unlike what you have seen so much in the papers and on CNN about the eminent domain action, specifically, the Kelo Case out of Connecticut. This is not an appropriation or action for economic development. That is where the moratorium in the State of Ohio is born out of and that is where the controversy was brought to the United States Supreme Court, as to whether or not Cities have the power to take someone's property to promote economic development. That instance and that nature of eminent domain is completely distinguishable from what the City of North Ridgeville is doing in this case and that is taking this piece of property at what is suppose to be the center of the town to establish a municipal park for the simple purpose of serving the public interest by making the center of town, look like the center of a town, instead of what it has looked like in the past ten years due to the neglect of the owner of that corner.

President Pro-Tem Manning: Thank you, Mr. Crites. We would now like to hear from our Safety-Service Director, Mr. Johnson.

• **Safety-Service Director:**

Safety-Service Director Johnson: Thank you, Madam President. On the same topic, within the first weeks of the Gillock Administration, one of the first questions addressed to Law Director

Crites was what can we do with that old gas station. We have been working on that issue ever since we took office.

With that said, the extreme temperatures we have been experiencing lately are especially troublesome for our seniors. Please check your senior neighbors and relatives to ensure that they are fairing well in this hot weather. Outdoor pets are also a concern. Please ensure that they have a shade area and access to plenty of water. Also, on power outages, please report any power outage to the automated number that you will find in the front of your telephone book. The more calls they get, the easier it is for them to locate the problem and get the power restored. Please don't assume your neighbors made the call. Make the call yourself. That concludes my report.

Council Member Buescher: Madam President, may I just say that I have to clarify that on that vote for the eminent domain on the gas station, for the press, that I did not vote for that as I abstained on that vote.

President Pro-Tem Manning: Thank you. Mr. Griffith our Engineer, do you have a report tonight?

• **Engineer:**

City Engineer Griffith: Thank you, Madam President. Tonight I have two items to cover.

One is the EPA requirement that we obtain GPS coordinates on the storm sewer and ditch out falls into our major ditches. Our major ditches are the Ridgeway Ditch, French Creek, and the Mills Ditch. That work started late last week and will continue as time and manpower is available. Therefore, if you see one to three people wearing hard hats, yellow or orange vests, with City identifications badges walking along the ditches and in your back yard, do not be alarmed. However, if any resident is concerned, please do not hesitate to call the Police Department.

Number two is the cost of construction. As Council is aware, we had to ask for additional funds last Council meeting for the Lorain and Root intersection project. According to the Ohio Department of Transportation, a comparison of the cost for their major work items from January 2004 to January 2005 indicated an average cost increase of 7.5 percent. From January 2005 to January 2006, the average cost increase was 12.1 percent. For example, last year, in-place asphalt was going for about 85 dollars per cubic yard. The average price we received for the Lorain and Root intersection project was 135 dollars per cubic yard. What this means is that we will be getting less work completed for our dollar.

Thank you and that concludes my report

President Pro-Tem Manning: Thank you, Mr. Griffith. Now, last but not least, our Auditor, Mr. Costin.

• **Auditor:**

Auditor Chris Costin: Thank you, Madam Chairman. Two items of business under my report is our annual financial report that you all should have received, which includes the actual gap analysis, December report and just a volume of other useful financial information. This is the annual report that I request that you pass first, before we get to our normal monthly report.

Comprehensive Annual Financial Report for the year ended December 31, 2005
moved by Butkowski, seconded by Boose to approve the Comprehensive Annual
Financial Report for the year ended December 31, 2005

President Pro-Tem Manning: Is there any discussion? If not, all those in favor signify by yes.
All those opposed by no. Any abstentions?

Yes, 6 No, 0

Auditor Costin: Just a comment. This was the subject of the annual audit. You will see under correspondence that the annual audit has already been released for 2005, also by the State Auditor and that went quite smoothly. The second thing that I would request that you pass tonight would be the monthly report for the month of June 2006, which likewise, you should have received.

Auditor's Written Financial Report for June 2006
moved by Butkowski, seconded by Boose to approve the Auditor's Written Financial
Report for June 2006

President Pro-Tem Manning: Is there any discussion? If not, all those in favor signify by yes.
All those opposed by no. Any abstentions?

Yes, 6 No, 0

Auditor Costin: The last item is that we just returned from our visit from the Wall Street area to procure a bond rating on the bonds that we will be issuing shortly. We expect to hear from Moodys sometime during the middle of this week and we will report that to Council when we find out what our new bond rating will be. Thank you, that completes my report and comments.

President Pro-Tem Manning: Thank you, Mr. Costin. Dr. Norris, would you read the rest of our reports, please.

• **Other Reports:**

Clerk of Council Norris: Other reports before Council this evening include:

Fire Department Report for May 2006 and
Police Department Support Car Report for June 2006.

Planning Commission Report to Council of regular meeting held July 11, 2006:

T-93-2006 A RESOLUTION ADOPTING THE AVON BELDEN ROAD MASTER
SANITARY SEWER PLAN.

PC ACTION: Recommends Council to approve by a vote of five to zero
moved by Buescher, seconded by Jaenke to approve the Planning Commission
action on T 93

President Pro-Tem Manning: Is there any discussion? If not, all those in favor signify by yes.
All those opposed by no. Any abstentions?

Yes, 6 No, 0

T-94-2006 PETITION TO REZONE 34977 CENTER RIDGE ROAD FROM R-1
RESIDENCE DISTRICT TO B-3 COMMERCIAL HIGHWAY
DISTRICT

PC ACTION: Recommends Council to approve by a vote of five to zero
moved by Jaenke, seconded by Butkowski to approve the Planning Commission
action on T 94

President Pro-Tem Manning: Is there any discussion?

Council Member Jaenke: Madam President, just to bring everyone up to date. This particular location is across the street from CVS drug store. As we all know, Center Ridge in that particular area, will be B-3 as the property owners develop each of those properties. The property to the west of this location is already B-3 and the property to the east will be coming to Council for rezoning to B-3 as well. That was the thinking of the Planning Commission. That is all I have.

President Pro-Tem Manning: Thank you, Mr. Jaenke for keeping us informed. Is there any other discussion? If not, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

President Pro-Tem Manning: We now come to our Council Committee Reports. There is a typo and the Committee Report number is not 5619. It is 5620. So, if everyone could change that. Please proceed, Dr. Norris.

COUNCIL COMMITTEE REPORTS:

- 1) ADMINISTRATIVE COMMITTEE REPORT #5620 Members of Council, we have considered the matter of the Charter Review Committee's report and recommendations to Council and recommend that this request be approved.

Signed: Chairperson Olesen, Members Jaenke and Boose
moved by Olesen, seconded by Jaenke to approve the Administrative Committee Report
#5620

President Pro-Tem Manning: Is there any discussion?

Council Member Buescher: Madam President, although I do not disapprove of the recommendations made by the Charter Review Committee for these items to go on the ballot as amendments; as a legislator, I have to disagree with what is being presented to the voters,

because there are two subjects on one amendment within the first amendment and the second amendment, which will cause a conflict to the voters. They need to be able to vote on each of these items individually. There is a very simple solution, which is to place four amendments instead of the two amendments on the ballot. I would be definitely in favor of that. I think that when you have two items and a voter decides they want to vote on one and not the other; then it becomes a conflict. That means that there are two subjects. Our Charter does not permit two subjects in any one piece of legislation. We can't go against the Charter to make these amendments to the Charter. Therefore, I will have to vote no on accepting this Committee Report and no on those amendments, unless they are amended.

President Pro-Tem Manning: Thank you, Mrs. Buescher. Anyone else?

Council Member Butkowski: Madam Chairman, I too have some problems with some of the ordinances that are in this Committee Report. However, in order to get all of this matter on the floor, I will be voting in favor of it. We can then take these different ordinances one by one and allow the ones that are properly written to go on the ballot and allow further discussion on the other ones.

Council Member Olesen: Madam President, I just wanted to say that during our meeting, I think that we acknowledged the hard work that the Charter Review Committee did and on the Council floor, I would like to personally thank them for their efforts in bringing this legislation forward.

Council Member Buescher: That is right, Mr. Olesen. Like I said, there is no problem with what is being presented by the Committee. It is the process in which it is being given to the voters and as Council Members, we swore to uphold the Charter. We can't go against the Charter to amend the Charter. No matter what the Law Director rules, we are going against the Charter to amend the Charter, by placing two subjects on one piece of legislation.

President Pro-Tem Manning: Thank you, Mrs. Buescher.

Mayor Gillock: Madam President, that issue was discussed in the Committee. The Law Director ruled that you are not going against the Charter. The Charter speaks to the issue of whether it is one subject or not and the Law Director, as the final authority, made the ruling that these are not two issues. It was one section of the Charter, 2.4 and 3.1 and he made a ruling that you are not going against the Charter.

Council Member Buescher: Madam President, with all due respect, our former Law Director also ruled and Council went along with his ruling and the City was sued in the process. I know that we are going against the Charter on this issue or I wouldn't be bringing it up.

Law Director Crites: If I may. The Charter does state that legislation should only address one issue. The one issue is, in the instance that Councilwoman Buescher cites, are the modification or revision of specific Charter provisions. How that Charter provision is worded is insignificant or irrelevant. What matters here is, does the voting public want to change the Charter provision from as it is now to as it is being proposed. I understand your point; because some of the proposed Charter amendments have more than one clause or more than one term of the actual Charter provision as being modified. However, I would put the question back to you in that, if you are to break down every term in that one proposed Charter amendment as a separate issue, when does it become only one issue? If you follow that line of reasoning then for every single proposed Charter amendment, you could say that each word of the terminology that I propose is a separate issue in itself. The point being is that the only way to pragmatically present proposed changes to the public of a Charter provision is to propose a revised body of the revised Charter

section to the public for review. If there is a conflict, which you speak of, there is no end pass on that voter in the voting booth; he simply votes no.

Council Member Buescher: Then his opportunity to vote yes is taken away. For example, in the second amendment, if I want to vote for redistricting, which I believe should be changed; then I have to vote no because I am against the second clause on Council receiving the four year term. Those are absolutely two different issues within that one amendment and I want the right to be able to vote if Council should have a four year term and I want the ability to be able to vote for or against the redistricting. I am not getting that. I am going to have to vote no and give up something that I think is important. The Charter is the law of the people of the City. It is sacred and we swore to uphold it and when you make changes, nothing is incidental. There are no incidental changes. Everything has to be taken for what it is. When you are talking about initiatives, you are showing how you are going through the process of bringing an initiative forward and voting on it and so forth. What is the objection? That is what I don't understand. Why not reword them as; Do you wish to give Council four year terms? Do you wish to do away with term limits? Do you want the Mayor to be sworn in, in January to assist Board of Elections instead of in December before the votes come in? Those are all questions. The same concept should be used on the redistrict amendment. Do you want to have this redistricting done this way instead of that way? Why can't we have four questions? That is what I don't understand.

President Pro-Tem Manning: Thank you, Mrs. Buescher. For clarity there has been a motion made by Mr. Olesen and a second by Mr. Jaenke to approve the Administrative Committee Report number 5620. Dr. Norris, would you please take roll.

Yes, 5 No, 1 (Buescher)

Clerk of Council Norris: Motion is approved by a vote of five to one.

President Pro-Tem Manning: This concludes our reports. We will now move onto Correspondence. There are three items under correspondence and Dr. Norris if you will read these for us, please.

CORRESPONDENCE:

Clerk of Council Norris: Council has before it this evening, three items of correspondence:

- 1) Received a memo from Law Director Crites submitting revisions to the home occupation ordinance.
- 2) Received the 2005 Audit from Auditor of State, Betty Montgomery.
- 3) Received a memo from Chief Building Official Guy Fursdon requesting approval, for Paul Blanchette and himself, to attend the International Code Council Annual Code Hearings and Seminars in Orlando, Florida noting that Mr. Blanchette's registration fee will be paid by the North Central Ohio Builders Officials Association, since he presides as their President.
moved by Olesen, seconded by Jaenke to approve the attendance of Mr. Fursdon and Mr. Blanchette to attend this seminar

President Pro-Tem Manning: Is there any discussion?

Council Member Boose: Madam President, for clarification purposes, can we have an amount specified in the motion. I do know from the request that Mr. Blanchette's registration fee will not have to be incurred by the City and also, it is my understanding that the hotel cost will not be incurred by the City. I do think it is a valuable resource for them to attend. However, I would like to have some sort of dollar amount placed on that.

President Pro-Tem Manning: I believe in the memo, it states 1,100 dollars. Is that correct Mayor?

Mayor Gillock: I didn't catch the last question.

President Pro-Tem Manning: He wants an amount. In the memo that we received, it stated 700 dollars for the flight and 400 dollars for the registration fee for one person.

Mayor Gillock: I don't have an amount. The issue is that the ordinance requires an approval from Council if they are traveling more than 500 miles. If it is within their budget, we believe that it is something they should attend, then Council can approve it. Paul is their President and we do need to be up on codes. However, even though the expense may be included in their budget, Council still needs to approve travel that is over 500 miles, per ordinance. This is why it is in front of Council. I am not aware of the amount at this time. However, I believe it is within their appropriated budget amount.

Law Director Crites: If I may, Madam President. For clarification, the memo that was submitted to Council under correspondence indicates that the cost of 700 for airfare is jointly and not each, which would be 350 per ticket. Also included is one registration fee because the other one is being picked up by the association. Doing the math, the cost of this approval would be 1,100 dollars.

President Pro-Tem Manning: There is a motion made by Mr. Olesen and a second by Mr. Jaenke. Is there anymore discussion?

Council Member Butkowski: Madam President, if this has already been appropriated into their budget, then I don't think we have to worry about it, as it has already been taken care of.

President Pro-Tem Manning: Mr. Costin?

Auditor Costin: I thought that there was an ordinance in here, because I believe that if you have an ordinance that requires Council approval, unless it says verbal, you're going to need an ordinance to correct an ordinance. This is a point of order.

Mayor Gillock: I think the ordinance just says that if you are traveling more than 500 miles, you need Council approval. You are not appropriating any amount of money. We do need to change that ordinance, but that is a separate issue.

President Pro-Tem Manning: Thank you, Mr. Mayor. Please take roll, Dr. Norris.

Yes, 6 No, 0

Clerk of Council Norris: Motion is approved by a vote of six to zero.

President Pro-Tem Manning: This concludes our correspondence. Dr. Norris will you please read New Business.

NEW BUSINESS:

Clerk of Council Norris:

Received a petition to rezone property at 34941 and 34953 Center Ridge Road from R-1 Residence District to B-3 Highway Commercial District and owned by Karl L. Pitts and Geraldine Pitts; Leo L. Pitts and Mary Ann Pitts; Donald J. Pitts and Patricia Pitts; Richard F. Pitts and Christa Pitts; Marjorie R. Gradisek and Claire L. Speir.

President Pro-Tem Manning: There is an ordinance contained in this packet. Dr. Norris, could you assign a temporary T number to that.

Clerk of Council Norris: The T number would be 109. (Editor's Note: The temporary number 109 assigned has been changed to 120 to prevent duplication of numbers in a memo dated July 27, 2006.).

President Pro-Tem Manning: THE CHAIR REFERS THIS TO PLANNING COMMISSION AND THE BUILDINGS AND LANDS COMMITTEE.

AUDIENCE PARTICIPATION (Lobby):

President Pro-Tem Manning: We now reach the Audience Participation portion of our meeting. We ask that you fill out the lobby form that you can find at the back of the room because it enables us to contact you personally should there be any need to follow up. You are now welcome and invited to approach the podium at this time. Please state your name and address clearly and limit your comments to three minutes. The lobby is now open.

1) Marilyn Bright of 36415 Behm Drive noted her concerns relating to the storm sewers on Behm and stated that they need to be replaced and not band-aid again. She explained that during the storm last Friday, the tree lawns in that area were flooded and water was flowing toward her property and not flowing into the sewers. She asked when this situation might be addressed and when the repairs on these storm sewers will begin.

Mayor Gillock: We have been looking at this for sometime. We know that the sewer is working, but obviously it is not working well enough. We do have a meeting scheduled for tomorrow to begin looking at what else we can do down there. Hopefully, after tomorrow we can get back to you with a plan of what we can do.

Merilyn Bright: I also have copies of pictures that were taken. You can see that there is water in a few of the tree lawns. The rest of the tree lawns seem to be clear. It is a real serious problem and it is causing damage to my property and to my home.

2) Krista Dickens of 32850 Boulder Drive expressed her concerns relating to the property just off of Boulder. She noted that she spoke to Council during the last meeting regarding these same concerns and explained that what she was trying to get across was that the purchase and the clearing of that property have been vague and confusing. She provided updates of what has happened between the last Council meeting and this Council meeting. She shared that the Army Corp of Engineers did come out and reported that there are wet lands on that property. She also noted that the Army Corp of Engineers stated that Mr. Dettore is proceeding

legally. She also noted that vandalism occurred on that street just last night and that vandalism has never been experienced before on Boulder and continued to note that she hoped that this type of behavior is not related to the Dettore property issues noting that the timing of it seems to be coincidental. She explained that their concerns also relate to flooding and noted that Bob Olesen and Joe from the City were out to have a look at the problem. She noted that she performed a survey of her neighbors that included questions related to their flooding issues.

Mayor Gillock: Madam President, the reference involving vandalism has been brought to the Police Department's attention. We simply will not stand for that and I certainly hope that it isn't related. We will have them look into it. I do appreciate exactly what Mrs. Dickens is saying in terms of their concerns. They are trying to learn what the rules and regulations are, but they are being respectful and going through this process the right way. I certainly welcome their involvement. As I mentioned to her early that if she wants to stay involved and address these problems to attend meetings such as the Planning Commission meeting. That is the point where, a lot of times, we can get concessions from developers. During those meetings, items that can be brought up that aren't City Ordinance related, which we have no control of. For example, a resident might state that their driveway is right across from my house and I'm concerned about the light in my window. He might agree to put landscaping up to block that light, which is not required by code. Once he says that and it is recorded in the minutes, then we have something to stand on. We certainly welcome your involvement at these meetings. Should he ever make an application. We do not have any application for development on that property at this point. We will keep you informed.

President Pro-Tem Manning: You will make sure that they are notified of the Planning Commission meeting if the plan comes in.

Mayor Gillock: I made a commitment to notify Mrs. Dickens and Mr. Nici. Part of the process when an application is received to Planning is that they circulate that application through the Administration office for comments. When I receive that, I will make sure that I let Mrs. Dickens and Mr. Nici know that it is in. Even though it is posted in several places, we will take that extra step.

Council Member Olesen: Madam President, I was down there during that heavy rain and I was talking to Mrs. Clark who lives immediately adjacent to that area. She did get water in her basement. She is very nice about this whole thing. What was created was a new swale on the edge of the property. It wasn't a new swale, it was actually the old swale that was there at one time and was cleaned out to drain that property. What happened was that it was draining onto the street and in through the yards. That is reason for the suggestion of building a culvert across that street to maintain the flow of that water. I hope that was already brought to Larry Griffith's attention.

President Pro-Tem Manning: Thank you, Mr. Olesen. Is there anyone else who would like to speak?

Mayor Gillock: Madam President, if Mr. Dettore's entrance into that property is blocking that swale, then we will make sure that the flow that should be in that swale is being maintained.

President Pro-Tem Manning: Anyone else in the audience? No? The lobby is now closed.

moved by Manning, seconded by Jaenke to suspend our By-Laws to bypass our recess
President Pro-Tem Manning: Is there any discussion? All those in favor signify by yes. All
those opposed by no. Any abstentions?
Yes, 6 No, 0

RECESS: dispensed with

President Pro-Tem Manning: We now move to our ordinances and resolutions and Dr. Norris, if
you will begin with our Ordinance and Resolution Submittals.

ORDINANCES AND RESOLUTIONS:

• **Ordinances & Resolutions Submittals**

Clerk of Council Norris: Ordinances and resolutions submittals this evening include:

T 119-2006 AN ORDINANCE ACCEPTING 237 SQUARE FEET OF PERMANENT
PARCEL NO. 07-00-014-104-030 ON THE NORTH SIDE OF LORAIN ROAD
AND DEDICATING IT FOR PUBLIC PURPOSES.

moved by Mayor Gillock, seconded by Olesen to suspend our By-Laws to give T 119 its
first reading

President Pro-Tem Manning: Is there any discussion? If not, those that are in favor signify by
yes. Those that are opposed by no. Any abstentions?
Yes, 6 No, 0

President Pro-Tem Manning: We are not onto our First Readings. Dr. Norris, would you please
read the first one?

• **First Readings**

T 93-2006 A RESOLUTION ADOPTING THE AVON BELDEN ROAD MASTER
SANITARY SEWER PLAN.
First Reading

T 119-2006 AN ORDINANCE ACCEPTING 237 SQUARE FEET OF PERMANENT
4297-2006 PARCEL NO. 07-00-014-104-030 ON THE NORTH SIDE OF LORAIN ROAD
AND DEDICATING IT FOR PUBLIC PURPOSES.

First Reading

moved by Mayor Gillock, seconded by Buescher to dispense with the second and
third readings tonight on T 119

President Pro-Tem Manning: Is there any discussion? There being none, all those in favor
signify by saying yes. All those opposed by no. Any abstentions?
Yes, 6 No, 0

moved by Mayor Gillock, seconded by Boose to adopt
President Pro-Tem Manning: Any discussion? All those in favor signify by saying yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 119 is adopted and becomes permanent ordinance 4297-2006.
Permanent Ordinance No. 4297-2006

President Pro-Tem Manning: That completes our first readings. Dr. Norris, will you please read our second readings.

• **Second Readings**

T 81-2006 AN ORDINANCE AMENDING NRCO CHAPTER 476
REVISED SNOWMOBILES, OFF-HIGHWAY MOTORCYCLES AND ALL-PURPOSE
VEHICLES, BY ADDING ADDITIONAL REGULATIONS.
Second Reading

T 82-2006 AN ORDINANCE AMENDING NRCO SECTION 618.015,
REVISED DANGEROUS ANIMALS, PROVIDING FOR REGULATION OF FARM
4298-2006 ANIMALS IN RESIDENTIAL DISTRICTS.
Second Reading

moved by Butkowski, seconded by Olesen to dispense with the third reading on T 82

President Pro-Tem Manning: Any discussion? If not, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

moved by Butkowski, seconded by Olesen to adopt T 82

President Pro-Tem Manning: Any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 82 Revised is adopted and becomes permanent ordinance 4298-2006.
Permanent Ordinance No. 4298-2006

T 76-2006 AN ORDINANCE AMENDING SECTION 1462.04 CELLULAR
4287-2006 COMMUNICATIONS SYSTEMS, LOCATION/SITING OF FACILITIES FOR
THE PURPOSE OF PROMOTING COLLOCATION AND THE
CONSTRUCTION OF ADDITIONAL CELLULAR TOWERS WITHIN THE
CITY.

Second Reading

moved by Butkowski, seconded by Boose to dispense with the third reading tonight on T 76

President Pro-Tem Manning: Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

moved by Boose, seconded by Butkowski to adopt T 76

President Pro-Tem Manning: Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 76 is adopted and becomes permanent ordinance 4287-2006.
Permanent Ordinance No. 4287-2006

T 32-2006 AN ORDINANCE AMENDING NRCO SECTION 1468.02 AND
4288-2006 PROVIDING FOR POSITIVE DRAINAGE FOR ANY STRUCTURE
ATTACHED OR DETACHED.

Second Reading

President Pro-Tem Manning: THE CHAIR REFERS THIS TO THE PLANNING
COMMISSION

T 108-2006 AN ORDINANCE ACCEPTING THE FINAL PLAT OF RIDGEFIELD
SUBDIVISION NO. 10 FOR RECORDING PURPOSES.
Second Reading

T 111-2006 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO
THE ELECTORS OF A PROPOSAL TO AMEND SECTION 2.4 OF ARTICLE
II, THE MAYOR, OF THE CHARTER OF THE CITY OF NORTH
RIDGEVILLE, OHIO.
Second Reading

T 112-2006 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO
THE ELECTORS OF A PROPOSAL TO AMEND SECTION 3.1, OF ARTICLE
III, THE COUNCIL, OF THE CHARTER OF THE CITY OF NORTH
RIDGEVILLE, OHIO.
Second Reading

T 113-2006 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO
THE ELECTORS OF A PROPOSAL TO AMEND SECTION 3.9(A) OF
ARTICLE III, THE COUNCIL, OF THE CHARTER OF THE CITY OF NORTH
RIDGEVILLE, OHIO.
Second Reading

T 114-2006 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO
THE ELECTORS OF A PROPOSAL TO REPEAL SECTION 9.8 OF ARTICLE
IX, ZONING AND BUILDING ORDINANCES AND BOARD OF APPEALS,
OF THE CHARTER OF THE CITY OF NORTH RIDGEVILLE, OHIO.
Second Reading

- T 115-2006 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS OF A PROPOSAL TO AMEND SECTION 13.1 OF ARTICLE XIII, INITIATIVE, REFERENDUM, RECALL, OF THE CHARTER OF THE CITY OF NORTH RIDGEVILLE, OHIO.
Second Reading
- T 116-2006 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS OF A PROPOSAL TO AMEND SECTION 13.2 OF ARTICLE XIII, INITIATIVE, REFERENDUM, RECALL, OF THE CHARTER OF THE CITY OF NORTH RIDGEVILLE, OHIO.
Second Reading
- T-117-2006 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS OF A PROPOSAL TO AMEND SECTION 13.3 OF ARTICLE XIII, INITIATIVE, REFERENDUM, RECALL, OF THE CHARTER OF THE CITY OF NORTH RIDGEVILLE, OHIO.
Second Reading
- T-118-2006 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS OF A PROPOSAL TO AMEND SECTION 18.6 OF ARTICLE XVIII, PARKS AND RECREATION COMMISSION, OF THE CHARTER OF THE CITY OF NORTH RIDGEVILLE, OHIO.
Second Reading

President Pro-Tem Manning: That concludes our second readings. Dr. Norris, will you begin with our third readings starting with T 86.

• **Third Readings**

- T 86-2006 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 BAGLEY ROAD INTERSECTION AND OTHER APPURTENANCES, AND TO NEGOTIATE AND ENTER INTO A CONTRACT WITH A CONSULTING ENGINEERING FIRM FOR PLANS, SPECIFICATIONS, AND CONSTRUCTION PHASE SERVICES FOR SAME, NOT TO EXCEED \$130,000.00.
Third Reading
moved by Mayor Gillock, seconded by Boose to postpone T 86 until our next regular meeting scheduled for September 5

President Pro-Tem Manning: Is there any discussion?

Law Director Crites: As a point of order, Madam President. Mr. Costin, are we tabling this until the funds are available?

Auditor Costin: Madam Chairman, these funds have not been appropriated. They can be taken and reclassified from the contingency in Capital Projects or Street or General Fund. I think we don't know the answer to is the portion that we are getting from the builders. I think that is what we are looking forward to obtaining.

Law Director Crites: Is what you are trying to accomplish, then, is to have this postponed until you have received the answer to that question and once you have the answer, you will bring this back to the floor for a vote by Council. Correct?

Mayor Gillock: I know that the developers have indicated that they are willing to put in approximately 80,000 dollars. On a prorata basis, Richey Land Development Company has committed up to 50,000 dollars and Oster has committed to the remaining prorata share. We don't have signatures yet and I am hesitant to use up all our other contingencies right now, without a better guarantee. This is why I am asking to postpone it until I can get a better handle on their commitment before we commit our dimes.

Law Director Crites: Would the September meeting give you the adequate time?

Mayor Gillock: Yes.

Law Director Crites: I would suggest that the motion be to postpone until the September 5 meeting.

President Pro-Tem Manning: Is there any other discussion? If not, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

T 95-2006 AN ORDINANCE APPROVING THE FINAL PLAT OF WINDSOR POINT
4299-2006 SUBDIVISION NO. 4 FOR RECORDING PURPOSES ONLY.

Third Reading

moved by Olesen, seconded by Jaenke to adopt T 95

President Pro-Tem Manning: Is there any discussion? If not, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 95 is adopted and becomes permanent ordinance 4299-2006.
Permanent Ordinance No. 4299-2006

President Pro-Tem Manning: We are now onto Old Business. Dr. Norris, would you read our old business for us.

OLD BUSINESS:

BUILDINGS & LANDS COMMITTEE REPORT #5616 We have considered the matter of home occupations and recommend that this request be approved and the attached legislation be adopted by Council.

Signed: Chairperson Jaenke and Members Manning and Olesen.

Law Director Crites: If I may, Madam President. Because in response to the majority of the consensus of the Committee, I have modified that proposed piece of legislation. That modified piece of legislation has been distributed to Council via correspondence. I would ask Council to

at least discuss this matter tonight, because if there is no opposition to the amendment, which I changed; let me cut to the chase, there was one specific issue hanging out there as my memo addressed and that is the number of automobiles we would allow a home occupation to have parked in front of their house while the home occupation was engaged. Councilman Boose and I have discussed this matter in that if anyone had any opposition to it that it be expressed now. Otherwise, I would propose that a motion be made to amend the Committee Report by substitution to add my modified ordinance. That, then would allow the modified ordinance to be placed onto the agenda for vote and passage at the September 5 meeting. Let me give you the executive summary. If we are happy with what I have modified, then we would move to amend the Committee Report by substitution to swap the first draft with the modified draft and that then would be the ordinance that would come back in September.

moved by Olesen, seconded by Jaenke to amend the Committee Report by substituting the ordinance with the modified ordinance

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

Council Member Boose: Madam President, just for clarification. First, I want to thank Council members for agreeing to consider the changes requested. The change that was made is that now there is further clarification on properties that are on corner lots and my only comment would be as far as the number of vehicles allowed per the new ordinance is that upon passage of the ordinance that someone from the Administration or Zoning Board would contact Mr. Pogros as this is where the issue originated. Back on May 25, Timothy Pogros, of Tango Cleveland, Gatewood Drive in North Ridgeville requested and received approval for a home occupation permit to run a home office for a dance lesson business that he has been operating and didn't realize that he needed a permit. He came to Zoning and Zoning did approve it even though Mr. Pogros stated during the hearing that when he does have dance lessons there is generally more than two cars at his resident during that time filling his driveway and some additional cars are parked in the street. Since, this ordinance does not allow for any grand fathering, this would immediately put Mr. Pogros in violation of this new ordinance. I would hope that upon passage, which I would anticipate, Mr. Pogros would be notified that he could go to Zoning Board, per the ordinance that allows him to appeal, and then Zoning could once again find it in their best interest to allow him to operate. It doesn't make sense to have the City in May say yes you can and then in July say no you can't. That would be my hope that he could find some appropriate approval from Zoning through the ordinance process.

President Pro-Tem Manning: Thank you, Mr. Boose. Dr. Norris, will you please take roll on this?

Yes, 6 No, 0

Clerk of Council Norris: Motion is approved by a vote of six to zero.

T 61-2006 AN ORDINANCE CHANGING THE NAME OF TAYLOR
4294-2006 WOODS INDUSTRIAL PARKWAY TO BECKETT PARKWAY

moved by Boose, seconded by Jaenke to adopt T 61

President Pro-Tem Manning: Is there any discussion? If not, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING JULY 17, 2006**

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Clerk of Council Norris: T 61 is adopted and becomes permanent ordinance 4294-2006.
Permanent Ordinance No. 4294-2006

President Pro-Tem Manning: That concludes our old business. Dr. Norris will please read our upcoming meeting announcements.

UPCOMING MEETING ANNOUNCEMENTS:

Public Hearing to be held Tuesday, September 5, 2006 at 7:20 P.M. regarding T 32-2006 in Council Chambers.

Next Regular Council Meeting Tuesday, September 5, 2006 at 7:30 P.M. in Council Chambers.

President Pro-Tem Manning: Thank you. The Chair will accept a motion to adjourn.

Council Member Boose: Madam President, I just wanted to make a comment to commend you for running the meeting so smoothly. You did a wonderful job and thank you very much.

President Pro-Tem Manning: Thank you, Mr. Boose.

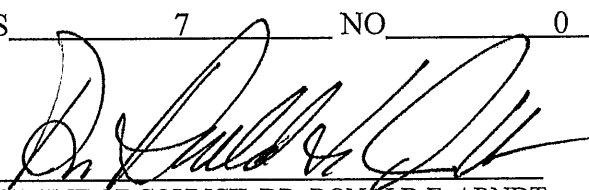
ADJOURN:

moved by Jaenke to adjourn

Meeting adjourned at 8:34 P.M.

MOTION Jaenke 2ND Butkowski DATE September 5, 2006

YES 7 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL DR. RONALD F. ARNDT



CLERK OF COUNCIL CHARLES A. NORRIS