

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING**

JULY 5, 2006

CALL TO ORDER: 7:30 P.M.

President Ronald Arndt: The Chair calls to order, the North Ridgeville City Council Regular meeting dated Monday, July 5, 2006. If you will all rise for our Invocation, followed by our Pledge.

INVOCATION: lead by President Arndt.

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, Gayle Manning and President Ronald Arndt.

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

Absent was Safety-Service Director Denny Johnson.

MINUTES - Corrections (if any) and Approval:

Clerk of Council Norris: We have one set of minutes before Council this evening and they are:

Council Minutes of regular meeting held June 19, 2006

moved by Butkowski, seconded by Manning to approve the Council minutes of the regular meeting held June 19, 2006

President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 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 June 13, 2006;

Civil Service Commission Minutes of regular meeting June 20, 2006;

Parks & Recreation Commission Minutes of regular meeting May 24, 2006; and

Board of Zoning and Building Appeals Minutes of regular meeting June 22, 2006.

MAYOR AND DIRECTORS REPORTS:

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

• **Mayor:**

Mayor Gillock: Thank you, Mr. President. Good evening to Council Members, residents and lobby members. Once again, I would like to thank the North Ridgeville Fire Fighters for the great fireworks display Monday evening. As always, a great crowd was on hand and their appreciation was very evident.

Mr. Johnson, Safety Service Director is enjoying a well-deserved vacation and will not be with us this evening. We certainly hope he is enjoying his time off.

The term of Bruce Roubaud on the Fair Housing Board is up today, July 5, 2006. He has indicated his willingness to serve another three-year term on that Board and the Treasurer has been more than satisfied with his involvement. I would like to advise Council that I am reappointing Bruce to that Board.

I have two items to submit to Council this evening that you will find before you. The first concerns the Community Development Block Grant request. We need to complete this application before July 14 to meet the deadline. We will not be meeting again before this deadline. It is our intent to use these funds this year for a potential combination of things including sidewalks in the Liberty School area and we need to complete a survey. As you may or may not be aware, the funds, from CDBG Grant, have to be used for low income or senior projects. We are in the process of completing a survey in that area to determine eligibility. We have approximately ten houses left and we will determine that very shortly. Some of the funds, up to 10 percent, can be used for planning and we would like to set those aside for the master plan update in the future and lastly, a possible use at the Senior Center for the project to improve parking in that area. I would ask that the Clerk assign a T number to that resolution.
Clerk of Council Norris: That number will be T 109.

moved by Mayor Gillock, seconded by Boose to suspend our By-Laws tonight to place T 109 on our agenda under first readings

President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Mayor Gillock: Thank you.

President Arndt: Mr. Mayor, are you looking to pass this tonight with the emergency?

Mayor Gillock: Yes. Next, I'm submitting an ordinance for your consideration for an additional 50,000 dollars for the Root and Lorain Road intersection project. This went out for bids a week before last. The bids came in for the base project within the range but on the high side; a little higher than we expected. We appropriated enough money previously to cover the intersection project. As an option, we had the bidders include a turning lane from Chestnut heading east to Lear Nagle south. Without the additional funding, we would not be able to add this turning lane,

which we feel would benefit our traveling public tremendously. During construction time, traffic will be detoured in that direction. This will help keep it moving as well as help in the future when the construction is done. The project has been awarded to Tri More Construction and they have been given approval to begin already. The alternative is the only part in question. I would ask that the Clerk assign a T number to that ordinance.
Clerk of Council Norris: That number will be T 110.

moved by Mayor Gillock, seconded by Boose to suspend our By-Laws tonight to put T 110 under our first readings

President Arndt: Is there any discussion?

Auditor Costin: Yes, for the record, the funding for this additional amount of money would have to come from one of our contingencies that remains in the General Fund or the Capital Project Fund. The remaining contingencies total approximaly 200,000.

President Arndt: Is there any other discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Mayor Gillock: Thank you. During the discussion, I can give you a little bit more detail on the numbers. That concludes my report. Thank you.

President Arndt: Thank you, Mr. Mayor. We now have the opportunity to hear from our Engineer, Mr. Griffith.

• **Engineer:**

Engineer Larry Griffith: I do not have a report tonight.

President Arndt: Thank you, Mr. Griffith. Mr. Costin, it is now your opportunity.

• **Auditor:**

Auditor Chris Costin: There is no report scheduled for tonight. I would request, though, that Council consider passing T 106-2006 tonight with the emergency. That is our budget for 2007. We comfortably thought that we would be able to bring it to this meeting and have you pass it by the second meeting. However, the County has alerted us to the fact that they are not accepting any extensions. We are missing the statutory cut off by one day if we wait until the next meeting. According, I would request that you pass it tonight with the emergency and when we get to its first reading, I will be glad to answer any questions on the budget itself.

President Arndt: Thank you, Mr. Costin. Dr. Norris, if you will read our other reports please.

• **Other Reports:**

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

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING**

JULY 5, 2006

Page 4

Building Department Report for May 2006;
Fire Department Report for May 2006; and
Engineering Department 2005 Bridge Report.

Senior Citizens Advisory Board Liaison Report by Council Member Olesen:

Council Member Olesen: Thank you. I have some interesting items for tonight. The second annual car show will be held at the men's breakfast on July 20. If there is anyone out there that would like to show a car, call Shelly at the Senior Center. There will be a show sponsored by the North Ridgeville Senior's Inc., SDC Homes and Northborough. This will be called Raising Cain; a toe-tapping, shoe-stomping show, which will benefit the Senior Center. Call the Senior Center for additional information. The next Super Thursday Luncheon will be held on July 27 and will feature an ice-cream social theme. The Cross Town Harmony Four will entertain. You will need to register for the luncheon. Any questions that you might have regarding upcoming events, please call the Senior Center.

President Arndt: Thank you, Mr. Olesen.

Clerk of Council Norris: Continuing with other reports, lastly, we have the:

Charter Review Committee Report and Recommendations

President Arndt: The Chair is REFERRING THIS COMMITTEE REPORT AND RECOMMENDATIONS TO THE ADMINISTRATIVE COMMITTEE. The purpose for that, for the benefit of all of our Council Members, is that the Committee has worked diligently to provide Council with eight different suggested Charter amendments. It is the belief of the Chair that we need to have an opportunity for all the members of Council to discuss in more detail and to hear more clarity about those amendments. It is better to do that in a Committee environment where we certainly encourage our residents to participate and it has been suggested by the Chair of the Administrative Committee, Mr. Olesen, that this meeting be held Monday evening at 7:00 P.M. here in Council Chambers for the benefit of those residents who would choose to come listen, participate, ask questions and you'll notice also, in our correspondence tonight, our Law Director has some comments related to this and you will note that at that point in time, that the Chair will be making a motion to suspend our By-Laws to give all eight of those Charter Amendment Recommendations to be put on first readings this evening. The request of the Chair would be at that Monday evening meeting, if all Council members can find it within their schedules to participate, it gives all of us the opportunity to clearly review.

President Arndt: Dr. Norris if you will continue on with our Council Committee Reports.

COUNCIL COMMITTEE REPORTS:

1) UTILITIES COMMITTEE REPORT #5619 We have considered the matter of T 93-2006, a resolution adopting the Avon Belden Road Master Sanitary Sewer Plan and recommend that this request be approved and legislation be adopted by Council.

Signed: Chairperson Buescher, Members Olesen and Butkowski

moved by Buescher, seconded by Butkowski to accept the Utilities Committee Report #5619

President Arndt: Is there any discussion?

Council Member Buescher: Mr. President, several developers own land between State Route 83, Avon Belden and Stoney Ridge. They are interested in developing a plan, which will benefit the new developments as well as existing residents on Stoney Ridge and Avon Belden Roads. Peter Zwick was hired to put together a plan and it has been presented to the Administration and City Council. City Engineer Larry Griffith explained the necessity of having a plan in place and to keep order in the development of the area and to be able to show that a plan is in place when anyone comes to the City to develop there. A concern was discussed over the fact that if the plan is not in place, some development could cause the inability of some property owners in that area to have access to sanitary sewers if the plan is not adequate and is not in place. I highly recommend the passage of this recommendation.

President Arndt: Thank you, Mrs. Buescher. Is there any other discussion? There being none, will the Clerk please take roll.

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

Clerk of Council: Vote is approved by a vote of six, zero and one abstention.

2) FINANCE COMMITTEE REPORT #5603 We have considered the matter of T 91, water line replacement and recommend that this request be approved and legislation be drawn authorizing engineering bid approval for new bid two jobs together.

Signed: Chairperson Manning, Members Jaenke and Boose.

moved by Boose, seconded by Butkowski to accept tonight the Finance Committee Report #5603

President Arndt: Is there any discussion?

Mayor Gillock: Mr. President, I would just like to point out that this is two different water line replacements. There each funded and engineered separately. We want to go out to bid them together. When we do that, we save a lot of money because you don't have to have two separate bids and both contractors won't have to mobilize equipment. By putting them together, they can bid both jobs and do both, which we can expect to save several thousands of dollars in the bid process by doing it this way, with your approval.

President Arndt: Thank you, Mr. Mayor. Any other discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved.

3) FINANCE COMMITTEE REPORT #5604 We have considered the matter of T 83, tax collection agency. Eliminate Section 2, rewrite by Law Director and recommend that this request be approved and proper legislation be drawn authorizing T 83, collect the 25 percent for collection fees and eliminate Section 2 or rewrite as directed by Law Director.

Signed: Chairperson Manning, Members Jaenke and Boose with Member Boose noting his No Vote, need ordinance rewritten

moved by Manning, seconded by Olesen to accept the Finance Committee Report #5604

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, just for some clarification for those that may have not been at the meeting, that my descending vote was due to section two, which states any legal action pursued by the agency on behalf of the City of North Ridgeville for collection of unpaid taxes and any related legal fees and court costs shall be paid separately by the City. This is in addition to any other cost. When we spoke with the Law Director, he was in somewhat of an agreement that, that may need to be reworded because it does leave the City up to potential costs if a particular collection agency just sought fit to suit everybody or take legal action against everybody whether or not they pay or not, it could run into some legal fees that the City may not have to pay otherwise. That and I couldn't agree on the proper wording of it and that is the reason I descended. I am in favor, however, of having the City become more stringent on collecting way over due tax collecting and that is what this ordinance will do.

President Arndt: Is there any other discussion?

Council Member Manning: Yes, Mr. President, we already have a collection agency that is taking place. What this requires is that the 25 percent the collection agency is collecting, the City will now get. They will just be paying an extra 25 percent.

President Arndt: Mr. Costin?

Auditor Costin: I would reiterate that Gayle is correct. Now, the collection agency takes a percentage and it is quite low compared to what other City's are paying. In fact, I believe that this firm collects for one of the larger agencies. Unfortunately, the way our tax ordinance is written now, we didn't contemplate that we would be paying a percentage of the fee and so, accordingly, what this is intended to do is transfer that cost from the City to the delinquent tax payer. There are plenty of steps and procedures that we go through before we go to the outside collection agency. This is last resort. In fairness to the general public that does pay their taxes fully and timely, we feel it is incumbent that we have to go after these monies. It is public money and we are required to do so. It was a burden on the City for us to give up that 25 percent and so accordingly, we have requested that this be passed in order to pass the cost onto the delinquent tax payer.

President Arndt: Any other discussion? Will the Clerk please take roll.

Yes, 6 No, 1 (Boose)

Clerk of Council Norris: Report is accepted by a vote of six to one.

4) FINANCE COMMITTEE REPORT #5618 We have considered the matter of T 63, Ambulance and Paramedic (Emergency Medical Services) and recommend that this request be approved and proper legislation be drawn authorizing the changes as directed to Law Director.

Signed: Chairperson Manning, Members Jaenke and Boose.

moved by Manning, seconded by Butkowski to accept the Finance Committee Report #5618

President Arndt: Is there any discussion?

Council Member Manning: Yes, Mr. President. We were very lucky to have Chief Miller, our Fire Chief, come and speak to us about this. He was against this about ten years ago he said. He said he was for it now, as were all the members of Finance Committee because we will be able to collect the money from the health insurance and not from the individuals. We made that quite

clear that we want to make sure that the money will just be collected from your health insurance, which everyone's health insurance covers anyway.

President Arndt: Any other discussion?

Mayor Gillock: Mr. President, I would just like to support a little bit about what Mrs. Manning was saying. We currently collect a billed figure of 450 dollars from nonresidents for emergency services. We have promised in the past with Paramedic levies and we will continue to honor that pledge that we will not collect from the resident's pockets. This has been passed, tested and tried by several other Cities. This will allow us to bill Medicare or private insurers and your portion, if you're a resident, is deemed to have been paid by your taxes, which you already pay to the City. There is a way for us to do this and it is not going to come out of your pocket. We are going to collect for something that you are already paying to your insurance carrier now. We are subsidizing the insurance carriers, which will allow us to recoup the cost without any cost to you directly.

President Arndt: Is there any other discussion?

Council Member Butkowski: Mr. Chairman, I'm glad that we are finally able to do this. I was on Finance Committee when this first came up, when the Fire Chief was against it. I wanted to collect only from the insurance companies, but was always told that we could not do it. I'm glad that times have changed and we can recoup on it. We need this money to purchase new ambulances. This will offset the tremendous cost of a new ambulance.

President Arndt: Thank you, Mrs. Butkowski. Any other discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved.

President Arndt: That concludes all of our Committee Reports and we now move to Correspondence. Dr. Norris, if you will read our correspondence please.

CORRESPONDENCE:

Clerk of Council Norris: Correspondence before Council this evening include:

1) Received a memo from Law Director Andrew Crites submitting legislation for the Council's and Administration's review in response to the Charter Review Committee's recommendations for proposed Charter amendments

moved by Arndt, seconded by Jaenke to suspend our By-Laws tonight to give all eight of the individual Charter Review recommendations their first reading tonight

President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved.

President Arndt: At the recommendation of our Clerk and Law Director, we are going to pause and give each of those ordinances a T number to each of the eight pieces of legislation.

Clerk of Council Norris:

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

President Arndt: Thank you, Dr. Norris. We have no new business tonight. We now come to the Audience Participation.

AUDIENCE PARTICIPATION (Lobby):

President Arndt: Any member of our audience tonight is invited to approach your City Council and share your views. However, before you do so if you would please fill out a Lobby form that you can find in the back of the room. You are now welcome to approach the podium immediately to the right of Mrs. Buescher. When you do come forward, please clearly state your name and address and limit your comments please, to three minutes. The Lobby is now open.

1) Merilyn Bright of 36415 Behm Drive submitted a petition to the City requesting that the City immediately repair the storm sewer on the south side of Behm Drive and west of Noll Drive. She explained the floods that have occurred due to a shifted eight-inch clay tile storm sewer line resulting in the storm sewer's inability to hold the storm water flow. She noted that this problem has been brought to the City on numerous occasions and has ruined several homes. President Arndt: Thank you, Mrs. Bright and we'll make certain that, that gets handed off to our Law Director and Engineering Department. Who else would like to approach your City Council.

2) Krista Dickens of 32850 Boulder Drive expressed her concerns of recent construction that is taking place at the end of Cary off Boulder Drive. She noted that Frank Dettore purchased this property and has now begun to bulldoze that property. She expressed on behalf of the residents on that street their concerns as they relate to the effects this land development could have on the residents in that area such as, flooding, removal of foliage, traffic on south Lear Nagle and whether or not this area is considered wetlands. She asked that the City keep those issues in mind when voting on any plans submitted for this development.

Council Member Boose: Mr. President, I would like to direct a question to the Engineer. How should the residents proceed or how can the City assist them if appropriate in providing or getting in touch with the appropriate authorities to determine whether there are wetlands back there and what needs to be done before more grading is completed? Is that something the City does?

Engineer Griffith: Typically, we do not. Usually, it is a developer who through his own engineer, contacts the Army Corp. of Engineers and proceeds from there.

Council Member Boose: What kind of protection is there in place? Right now there are no plans submitted before Council or the City as to what is going to be done there. What protects that property or that possible wetland prior to those plans being submitted?

Engineer Griffith: The only thing I can suggest is for someone to contact Buffalo to ask if anything has been submitted to check this area for wetlands.

Mayor Gillock: The Engineer can correct me if I'm wrong, however, management of wetlands is both through the Army Corp. and the EPA. There are severe penalties if they destroy wetlands. They have an obligation to determine where wetlands are and mitigate them. There are procedures for mitigation. The penalties are quite severe. The protection for wetlands is through the Corp. of Engineers. When a plan comes in and shows wetlands on it, we'll ask about it. That is a Corp. of Engineer obligation to make sure those are taken care of and as I said before, the penalties are quite severe, if you go in and destroy wetlands without the Corp. of Engineer's

JULY 5, 2006

permission.

President Arndt: Thank you, Mr. Mayor. Who else would like to address your City Council?

3) Anthony Nici of 6043 Creekside Lane thanked the Mayor for his quick response to the residents on June 27 of their concerns relating to this development off Boulder Drive. He expressed his concerns relating to this development and the effects it may have on the value of the existing properties. He suggested that the zoning codes be changed to require building one acre lots versus the smaller lots and to require a certain amount of trees and shrubbery to remain in order to allow for greater value homes.

President Arndt: Thank you, Mr. Nici. Who else would choose to address your City Council?

4) Steve Cutlip of 33045 Boulder Drive expressed his belief that the main concern of the residents in that area relates to flooding. He also noted that he would also want to see any future plans that may come before the City prior to a decision to allow for this development. He expressed his concerns with construction vehicles as they come into their neighborhood as it relates to safety and the loss of esthetic value of the homes. He noted that he did not want to have any cut-through streets from Chestnut Ridge or Center Ridge coming through at any point in time in order to eliminate the traffic from Lear Nagle.

President Arndt: Thank you, Mr. Cutlip. Who else in our audience would choose to speak to your City Council?

5) Kay Michelsen-Caldwell of 32870 Boulder Drive noted that she has been a resident on Boulder for the last 31 years and bought there because of the woods and wildlife located behind her home. She questioned the validity of the sale of the property by the School Board to Frank Dettore as there is no paper trail. It is her belief, she noted, that County records have not been reviewed to see where the property lines are as this developer has lines going through her property. She also expressed her concerns with the effects this development will have on the water pressure, sewer lines and the flooding that has occurred over the last five years, as well as the traffic and entrance street possibly becoming Boulder Drive. She demanded that the entrance road be off of Center Ridge Road.

President Arndt: Mrs. Michelsen-Caldwell we are limited to three minutes. However, if any member of Council wishes to motion to extend, please do so.

moved by Butkowski, seconded by Boose to suspend our By-Laws to give Mrs. Michelsen-Caldwell an additional three minutes

President Arndt: I will clarify for the benefit of the audience that our Council By-Laws and the Robert's Rules of Order do not permit us to give your three minutes to any other person speaking. You've just experienced the way this meeting will be run and that is if the Council chooses to extend another three minutes, we would be delighted to do so. You have three more minutes.

Mrs. Michelsen-Caldwell spoke about the actions of the schools in this matter and stated that she is going to ask that the Lorain County Sheriffs Department patrol her area a little more while the demolition and heavy equipment remain on the property off of Cary Drive.

President Arndt: Thank you, Mrs. Michelsen-Caldwell.

Mayor Gillock: Mr. President, I would just like to give some facts out that might help the residents understand a little bit. I'm empathetic with everyone and I would just like everyone to understand the facts and correct some of the statements that came up. Mr. Nici mentioned that the developer should have provided notice to the residents. I agree that it would have been a good practice to do that. We couldn't do it, because we didn't know about it. This has not been submitted to the City yet. No plans have been submitted. We have been working off rumors and discussions that we have had with Mr. Dettore, which do indicate that he wants to build houses there. As far as giving him verbal approvals, the only approval he was given was to cross our 20-foot strip that we own and not for downing trees. We own a 30-foot strip there and we let him access his property through that area. He was told not to remove any trees, but he could go in there to see what he has in there. He does have access to Creekside. When he bought this property, there was a vacant lot that goes to Creekside, which he also owns. Again, we don't know what his plans are. One of the key things I want to point out is that property is zoned R1 and that carries its own set of standards, which includes 90 foot fronts with an exception. I believe most of the houses on Boulder are 90 feet. However, I am not sure. There is a cluster paragraph in that code that states that in return for amenities to the City, he can build on an average of 76 foot lots, which is what Mills Creek is and apparently what I'm being told Boulder is also. He would be required, unless Council rezoned the property, which I don't think they will do, to build on the same size lots that the current residents have. Someone mentioned the Presidential Estates development that Dettore did on the other side of Lear Nagle. That property is zoned RS2 and it allows 60 foot fronts and a density of seven houses per acre. This property, as is yours, whether they are 90 foot fronts or 76 foot fronts, allows a density of 2.3 houses per acre; which again is what your current density is. You need to know these things that we are working with and the process would be, that if he does want to develop, he has to come to Planning Commission and we do publish notices. We publish them in five places in the City and I will make a commitment to email you when I get plans in. When plans come into the Planning Commission, they are circulated among the Administration. If I do see them, I will let you know it is coming. I wanted you to know that is what we are dealing with and that the lot size requirements will be the same size that you are living on. These other things as far as drainage and sewer size are part of the review process that Mr. Griffith is responsible for. We require retention of any development more than one acre. We require them to calculate sewer pipe sizes. They have to provide the flow of drainage and all of that information is required and is part of the process. Again, if the plans do come, I will get the word out to you. Even though we post it, I will get the word out to you.

Council Member Olesen: Mr. President, I would like to respond to a remark that was made tonight. During this whole process, I talked with at least a dozen residents and received emails from a number of them. I tried to tell them the same thing that the Mayor has just stated this evening regarding the zoning of the property. I don't think that I ever, ever mentioned a concern about an entrance off of Creekside as opposed to Cary Drive. If I did that, it may have been with one gentleman who called me that lives adjacent to that piece of property. He asked me the same questions and I told him that I didn't know what the developer's plans were for coming into that property. I never pushed for any other entrance regarding that property and I want that understood. I did talk to a lot of people about this and I'll just leave it at that. I tried to answer

your emails as best as I could.

President Arndt: Who else would like to address your City Council?

6) Edward Baugh of 33100 Boulder Drive explained that he allowed the City to build a drainage ditch through his back yard. He explained the drainage of this ditch. He noted the drainage problems he has had are getting worse. He noted that he has contacted the Engineering Department and they were supposed to come out and look at it again. He stated that he turned a copy of a paper from Mayor Stewart that said that the City would clean the ditch. He signed that paper as approved on 7/15/74. He noted that it states that the City will clean the ditch on this property, signed W.K. Krueger, Safety Service Director of North Ridgeville. Mr. Baugh handed that paper to President Arndt. He explained that the bulldozing taking place on the property behind him has caused more standing water. He expressed his concerns are with the future flooding due to the building of the new homes.

President Arndt: Thank you, Mr. Baugh. I have just spoken with the Law Director and not only will the Law Director take a look at your documentation, we will make certain that our Engineer has an opportunity to take a look at that.

Mayor Gillock: Mr. President, I would also like to add that we have talked with Mr. Hurst and they did go out to the site last week and found a crushed storm drain tile that will be taken care of and they are looking into that problem. However, they did find a crushed pipe.

President Arndt: Mr. Baugh, is this an original copy?

Mr. Baugh: Yes

President Arndt: We will make certain, before you leave, to get a copy of this so that our Law Director can review.

Law Director Crites: Mr. Baugh, would that be okay if I make a copy of this?

Mr. Baugh: Yes

President Arndt: Who else in our community would like to address your City Council and share something that we haven't heard already.

7) Joann Demchak of 7495 Noll Drive explained that she saw an article in the paper that stated Noll, Aurensen, and Behm were going to be on the priority list for the storm sewer and sanitary sewer. She asked what has been done to find out what their flooding problem is, as she has not seen anything done.

Mayor Gillock: We have used the camera over there, we've grouted manholes and the Engineer just mentioned that we have completed the specifications for grouting of the main tile. We have used the camera and found leaks that need to be sealed. That is where most of our efforts are being taken now in the Aurensen, Behm and Noll area.

Mrs. Demchak questioned the Mayor, regarding letters sent out to people that did not pass the smoke test, if they were going to be contacted. Stated that dshe knows three residents that have never been contacted.

Mayor Gillock: According to my Service Department Reports, they were all contacted. They followed up on the leaks and they were corrected. If there is some that weren't, I don't know how they were missed, but we did follow up with them.

Council Member Buescher: Mr. President, as a Ward 1 Council Representative, this is an

ongoing concern of mine. I know what happened with this last rain and some of the problems people had in that area. I have been concerned about infiltration into those pipes and things aren't getting better. There have been promises made and I don't really know what to say at this point. We approved another housing development, which will affect that whole area there and I have been opposed to that because of all the problems that have occurred there. The City has to figure out what is going on over there before any building takes place behind that funeral home. Mrs. Demchak asked the Mayor if the old pump station was looted at.

Mayor Gillock: Yes, it was looked at. We identified all the lines. We used the camera on those lines. We know where the lines are and the size of those lines. If I remember right, there are three lines. Two of them are ten inches and the one is an eight-inch line. One of them comes from the west to that point and one of them comes from Center Ridge Road and goes east and the main line goes back to the east to Center Ridge Road to the Becker lift station. Yes, we have looked at all of that.

President Arndt: Thank you, Mrs. Demchak and I am certain that the Mayor will look into that.

Council Member Butkowski: Mr. Chairman, this is an area where I live and these people that have spoken are telling the truth. I'm out there when they are flooding and I am flooding along with them. This has been a problem over many Administrations and our whole development has been overlooked for years. They are finally coming down and starting to do some things, but there is a whole lot more that has to be done and has to be done soon, because these people are really going under and Mrs. Bright isn't fooling when FEMA has been out there as FEMA has been watching us and we don't want FEMA getting mad at the City. People who have flood insurance are also connected with FEMA, so we have to take this stuff seriously. We have taken other people in brand new developments seriously. They just moved here and these people have lived here and have paid taxes here a whole lot longer than they have and it is about time, we get some service. The Service Department is not ignoring us, because when we do have things, they do come out and fix it. We have serious problems that have to be taken care of with reconstruction of old technology and old things in the grinds that need to be replaced. Just like you are replacing the water lines. We're having water line blow outs quite often, but we don't get them repaired; everyone else does. I am getting real ticked and so are the other people living down there.

President Arndt: Thank you, Mrs. Butkowski.

Council Member Buescher: Mr. President, also, I would like to reiterate that I don't know how we can go forward with more building in that area until this problem is resolved.

President Arndt: Who else in our audience would choose to address your City Council?

8) Krista Dickens asked for clarification on who might be helping them find out if the location near the Boulder Drive area is wetlands. She asked whose responsibility it would be.

President Arndt: Mr. Griffith, what insight might you give Ms. Dickens.

Engineer Griffith: I don't know. I have never been asked this question before.

Mayor Gillock: I don't know the exact procedure, but I believe that the residents can go to the Corp. of Engineers directly. I know that this is out of order. However, Mike, would you know anything.

Mr. Mike Scaletta: I would contact the Army Corp. of Engineers. The area that deals with it is in

Buffalo. I am not sure who to contact there, but I'm sure the Engineering Department would have a contact as our engineers always are the ones who contact the Army Corp. Before a developer can begin, they always have to go in to get a wetlands study done and provide that study to the Army Corp. of Engineers.

Mayor Gillock: Mr. President, I apologize, I put him on the spot. This is Mike Scaletta who is a developer and does know what he is talking about. Scaletta Development Corporation is a builder in Avon and North Ridgeville and that is why I asked him.

Ms. Dickens asked for clarification regarding the builder submitting plans, is it their responsibility to have an environmental assessment to determine if it is a wetlands?

Mr. Mike Scaletta: It would make more sense to do that before you purchase the land. You would have that done in order to know that ahead of time.

Ms. Dickens: So the residents of Boulder would be responsible for that. Thank you.

Council Member Boose: Mr. President, if Mr. Griffith would give me the contact number I will be more than happy to make the call to Buffalo and get the information to you so that you can follow up in order that you at least have a name and number to contact.

President Arndt: Who else in the audience would choose to address your City Council?

9) Bob Slovak of 7145 Case Road stated that he worked for the City for 18 years. He explained the process they had to go through in order to make changes to Shady Drive, which included having to contact the Army Corp. of Engineers. He noted that Mr. Spaulding may still have the phone number.

President Arndt: Who else in the audience would choose to address your City Council? A comment from the Chair on behalf of all of us on City Council. First and foremost, it is important that everyone understands that there isn't a single person sitting up here regardless of a party affiliation that doesn't have the interest of the City at heart and so hearing your communication like this is very important for us. Also, it is incredibly admirable that as we understand that there is some major upset that folks have and yet you have chosen to approach your City with calm and courtesy and respect. I feel very confidently for every member on our Council as well as the Administration to lobby on your behalf. Understanding that maybe some things may not go as perfectly as planned or as quickly as you might like, please understand that it is indeed our interest to support you and to support our Administration in helping to get some of these issues resolved. Allow me to thank you for addressing us with a courteous tone and allowing us to hear your voice. I will now ask if there is anyone else who would like to address your City Council? The lobby is now closed.

RECESS:

Council recessed at 7:30 P.M.

Council reconvened at 7:45 P.M.

President Arndt: 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 tonight include:

T 106-2006 AN ORDINANCE ADOPTING AND APPROVING THE BUDGET OF THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2007, AND SUBMITTING THE SAME TO THE LORAIN COUNTY AUDITOR.

moved by Boose, seconded by Jaenke to suspend our By-Laws tonight to give T 106 its first reading

President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved.

T 107-2006 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH A CONSULTING ENGINEERING FIRM FOR PLANS, SPECIFICATIONS, AND CONSTRUCTION PHASE SERVICES FOR THE DEBORAH DRIVE AND PAULA BOULEVARD WATERLINE REPLACEMENT, NOT TO EXCEED \$53,460.00.

moved by Mayor Gillock, seconded by Boose to suspend our By-Laws tonight to give T 107 its first reading

President Arndt: Is there any discussion?

Mayor Gillock: Mr. President, I would like to ask the Engineer to speak on the emergency of T 107.

Engineer Griffith: The way we prioritize the water line work is the Service Department gives me the areas where they are having the most water breaks. This area was originally slated for repair last year, in 2005. We are already one year behind when we had hoped to do this work. I would like to have this passed with the emergency tonight in order to get the engineers started on the plans and hopefully complete the work this year.

Auditor Costin: As a reminder from the last meeting, T 91 is on its second reading and is for the construction as well as the engineering. I may have mentioned in speaking with the Engineer previously, that the 775,000 dollars for the construction hasn't been funded. What we did to expedite the project is have T 107 be for the engineering phase only, which we will have monies available in our water funds, if Council chooses to pass 107. When the engineering returns with the cost estimates, then we will need to issue bond anticipation notes, BANS, for the construction phase. What we will need to do tonight, if it is Council's choice, is pass T 107 tonight to start the engineering and we will need to either postpone or withdraw T 91. We will not be able to pass that until we have BAN legislation in place.

President Arndt: Are you suggesting that we withdraw T 91?

Council Member Butkowski: T 91 is only on its second reading. We do have another meeting yet.

Mayor Gillock: Mr. President, I would recommend that when we get to it, that T 91 be postponed until the BANs are in place.

President Arndt: We do have a motion on the floor by Mayor Gillock and a second by Mr. Boose to suspend our By-Laws tonight to give T 107 its first reading. Is there any further discussion?

There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved.

President Arndt: That completes all of our Ordinances and Submittals. Dr. Norris will now begin with our First Readings beginning with T 81.

• **First Readings**

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

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

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.
First Reading

Law Director Crites: It would be my request that Council consider passing T 76 tonight. It relates to the removal of a mandated buffer and although, still allowing and putting the matter in front of our Board of Zoning and Building Appeals for collocation of cell towers. If Council recalls, the way the ordinance was previously written, it was impossible for a cell tower or a cell antennae to be collocated on an existing tower. Because it is the intent and purpose of the City to promote collocation and to not have towers all over the City, we have changed the ordinance. There is one specific project which is being held up waiting for this amendment to the cell tower ordinance, which has been approved by the Planning Commission; it would be my request to expedite the process that Council consider passing this tonight.

 moved by Olesen, seconded by Butkowski to dispense with the second and third readings tonight on T 76

JULY 5, 2006

President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

 moved by Olesen to adopt, seconded by Butkowski to adopt

President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 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 PROVIDING
4288-2006 FOR POSITIVE DRAINAGE FOR ANY STRUCTURE ATTACHED OR
 DETACHED.

 First Reading

(tape one, side B ends)

Council Member Butkowski: This is construction season. We better get this ordinance going.

Law Director Crites: You mean pass it?

Council Member Butkowski: Pass it tonight, yes.

Mayor Gillock: T 32 coming from section 1468 may be a housing or zoning code, which requires three separate readings. However, I would defer to the Law Director.

Law Director Crites: It is a Building Code ordinance as I remember having this discussion with Miss Cope. Therefore, it was required that it be referred to Planning Commission.

Mayor Gillock: It may be referred to Planning; however, I believe it still requires three separate readings.

Council Member Butkowski: It is not zoning. I thought only zoning had to have a public hearing and three separate readings.

Law Director Crites: I would agree, Mr. Mayor. Although, it did require the referral it does not have to be read on three separate dates because it is not a zoning code ordinance.

President Arndt: So, is it the opinion of the Law Director that we could adopt this tonight.

Law Director Crites: Yes.

 moved by Olesen, seconded by Butkowski to dispense with the second and third
 readings tonight on T 32

President Arndt: Any further discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

 moved by Olesen, seconded by Butkowski to adopt tonight T 32

President Arndt: Any discussion?

 moved by Butkowski, seconded by Buescher to add the emergency because we
 have so much flooding in this City and this is construction time and it is
 imperative that we get this taken care of

President Arndt: Any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

JULY 5, 2006

President Arndt: Additionally, we have a motion on the floor by Mr. Olesen and a second by Mrs. Butkowski to adopt tonight T 32 with the emergency. All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 32 is adopted with the emergency becoming permanent ordinance 4288-2006.

Permanent Ordinance No. 4288-2006

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

T 109-2006 A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF NORTH
1087-2006 RIDGEVILLE, OHIO, TO APPLY TO THE OHIO DEPARTMENT OF
DEVELOPMENT FOR FUNDING UNDER THE OHIO SMALL CITIES
COMMUNITY DEVELOPMENT BLOCK GRANT COMMUNITY
DEVELOPMENT PROGRAM FOR FISCAL YEAR 2006.

First Reading

moved by Butkowski, seconded by Olesen to dispense with the second and third readings tonight on T 109

President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

moved by Boose, seconded by Butkowski to adopt

moved by Boose, seconded by Butkowski to add the emergency in order that we meet the filing deadline

President Arndt: Any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

President Arndt: Additionally, we have a motion on the floor by Mr. Boose and a second by Mrs. Butkowski to adopt tonight T 109 with the emergency. Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 109 is adopted with the emergency becoming permanent resolution 1087-2006.

Permanent Resolution No. 1087-2006

T 110-2006 AN ORDINANCE AMENDING ORDINANCE NO. 4216-2006 REGARDING
4289-2006 RECONSTRUCTION OF THE INTERSECTION OF LORAIN ROAD AND
ROOT ROAD, BY INCREASING THE AMOUNT FROM \$986,000.00 TO
\$1,036,000.00.

First Reading

moved by Boose, seconded by Butkowski to dispense with the second and third

readings tonight on T 110

President Arndt: Any discussion? All those in favor signify by yes. All those opposed by no.
Any abstentions?

Yes, 7 No, 0

moved by Boose, seconded by Butkowski to adopt

moved by Boose, seconded by Butkowski to add the emergency in order that we
begin construction immediately and avoid any unnecessary delays

President Arndt: Any discussion? All those in favor signify by yes. All those opposed by no.
Any abstentions?

Yes, 7 No, 0

President Arndt: Additionally, we have a motion on the floor by Mr. Boose and a second by
Mrs. Butkowski to adopt tonight T 110 with the emergency. Is there any discussion? All those in
favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 110 is adopted with the emergency becoming permanent ordinance
4289-2006.

Permanent Ordinance No. 4289-2006

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.
First 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.
First 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.
First 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.
First 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.

First 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.

First 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.

First 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.

First Reading

T 106-2006 AN ORDINANCE ADOPTING AND APPROVING THE BUDGET OF THE
4290-2006 CITY OF NORTH RIDGEVILLE, OHIO FOR THE FISCAL YEAR
BEGINNING JANUARY 1, 2007, AND SUBMITTING THE SAME TO THE
LORAIN COUNTY AUDITOR.

First Reading

moved by Boose, seconded by Butkowski to dispense with the second and third
readings tonight on T 106

President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All
those opposed by no. Any abstentions?

Yes, 7 No, 0

moved by Boose, seconded by Butkowski to adopt

moved by Boose, seconded by Butkowski to add the emergency to meet the
statutory cut off requirements

President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed by
no. Any abstentions?

Yes, 7 No, 0

President Arndt: Additionally, we have a motion on the floor by Mr. Boose and a second by
Mrs. Butkowski to adopt tonight T 106 with the emergency. Is there any discussion? All those in
favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 106 is adopted with the emergency becoming permanent ordinance 4290-2006.

Permanent Ordinance No. 4290-2006

T 107-2006 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND
4291-2006 ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER
PRESCRIBED BY LAW WITH A CONSULTING ENGINEERING FIRM FOR
PLANS, SPECIFICATIONS, AND CONSTRUCTION PHASE SERVICES FOR
THE DEBORAH DRIVE AND PAULA BOULEVARD WATERLINE
REPLACEMENT, NOT TO EXCEED \$53,460.00.

First Reading

moved by Olesen, seconded by Boose to dispense with the second and third readings tonight on T 107

President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

moved by Olesen, seconded by Boose to adopt

moved by Olesen, seconded by Boose to add the emergency due to the timeliness of this project and the need to get started on it

President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

President Arndt: Additionally, we have a motion on the floor by Mr. Olesen and a second by Mr. Boose to adopt tonight T 107 with the emergency. Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 107 is adopted with the emergency becoming permanent ordinance 4291-2006.

Permanent Ordinance No. 4291-2006

President Arndt: That concludes all of our first readings. Dr. Norris, if you will begin with our second readings.

• **Second 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.

Second Reading

T 91-2006 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 DEBORAH DRIVE AND PAULA BOULEVARD WATERLINE REPLACEMENT, 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 \$775,000.00.

Second Reading

Council Member Olesen: I move to postpone T 91.

President Arndt: Will we postpone this to a date certain or to some time at which Mr. Costin can assure us that the BANs can be put in place?

Auditor Costin: The Charter precludes us from passing this until we have financing. We won't have financing until we have a commitment on the BANs. Until a future date when financing of the project is appropriately passed by Council.

Law Director Crites: In essence, as long as it is being tracked, you're essentially tabling it. However, it can be brought back onto the table. The only concern about tabling something is that it will die there. This won't die there, because once you advise Council that the BANs are in place then it will be put back on the agenda and acted again.

Auditor Costin: We would have legislation on the floor that requires Council approval to issue the BANs.

Law Director Crites: I would suggest that the motion be to table the proposed ordinance.

 moved by Olesen, seconded by Boose to table T 91 until such time as our Auditor informs us that the financing is in place

President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

 Yes, 7 No, 0

Clerk of Council Norris: Motion is approved.

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

Second Reading

President Arndt: That concludes our second readings. Dr. Norris, if you will begin with our third readings.

• **Third Readings**

T 84-2006 AN ORDINANCE ACCEPTING CERTAIN STREETS IN THE WATERBURY
4292-2006 ON, PHASE 1, AND DEDICATING THEM FOR PUBLIC PURPOSES

Third Reading

moved by Boose, seconded by Jaenke to adopt T 84

President Arndt: Is there any discussion? There being none, all those in favor signify by yes.
All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 84 is adopted becoming permanent ordinance 4292-2006.
Permanent Ordinance No. 4292-2006

T 85-2006 AN ORDINANCE ACCEPTING CERTAIN STREETS IN THE WATERBURY
4293-2006 SUBDIVISION, PHASE 2, AND DEDICATING THEM FOR PUBLIC
PURPOSES.

Third Reading

moved by Buescher, seconded by Butkowski to adopt T 85

President Arndt: Is there any discussion? There being none, all those in favor signify by yes.
All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 85 is adopted becoming permanent ordinance 4293-2006.
Permanent Ordinance No. 4293-2006

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

Third Reading

moved by Olesen, seconded by Jaenke to adopt T 61

President Arndt: Is there any discussion? There being none, all those in favor signify by yes.
All those opposed by no. Any abstentions?

Yes, 7 No, 0

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

T 89-2006 AN ORDINANCE APPROVING THE FINAL PLAT OF NORTHBOROUGH
4295-2006 SUBDIVISION PHASE 2 FOR RECORDING PURPOSES ONLY.

Third Reading

moved by Buescher, seconded by Jaenke to adopt T 89

President Arndt: Is there any discussion? There being none, all those in favor signify by yes.
All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 89 is adopted becoming permanent ordinance 4295-2006.
Permanent Ordinance No. 4295-2006

T 90-2006 AN ORDINANCE APPROVING THE FINAL PLAT OF TIMBER RIDGE
4296-2006 SUBDIVISION NO. 1 FOR RECORDING PURPOSES ONLY.

Third Reading

moved by Olesen, seconded by Butkowski to adopt T 90

President Arndt: Is there any discussion? There being none, all those in favor signify by yes.

All those opposed by no. Any abstentions?

Clerk of Council Norris: T 90 is adopted becoming permanent ordinance 4296-2006.
Permanent Ordinance No. 4296-2006

President Arndt: That concludes our third readings. We have one item under Old Business.

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.

moved by Arndt, seconded by Olesen to postpone until date certain at our next Council meeting the Building and Lands Committee Report #5616

President Arndt: Any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved.

President Arndt: We now come to our upcoming meeting announcements. There are three here and the Chair does have a final comment.

UPCOMING MEETING ANNOUNCEMENTS:

Clerk of Council Norris: Upcoming meetings include:

Public Hearing to be held July 17, 2006 at 7:15 P.M. regarding T 76-2006.

Pubic Hearing to be held July 17, 2006 at 7:20 P.M. regarding T 61-2006.

Next Regular Council Meeting Monday, July 17, 2006 at 7:30 P.M. in Council Chambers.

President Arndt: Two comments by the Chair and that is again, to remind all the members of Council, that if all possible, please do your very best to participate in our Administrative Committee Meeting this coming Monday, July 10 at 7:00 P.M. in Council Chambers; led by Mr. Olesen. The other comment is that the Chair will be unavailable for our next Council Meeting. That is the meeting on July 17 and as such, our President Pro-Tem, Mrs. Manning will guide the meeting.

Law Director Crites: If I could emphasize the importance of that Administrative Committee Meeting. As a matter of law, our deadline to submit the proposed Charter amendment legislation to the Board of Elections is such that Council must vote on the same at the last meeting in July. Unless of course, you want to hold a special meeting in August, which I would assume Council would try to avoid.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING**

JULY 5, 2006

Page 25

President Arndt: The legislation has to be to the Board of Elections 75 days prior to the date of the election. That date would be August 24, by 4:00 P.M.

Law Director Crites: Which as it presents itself, all voting on which of these items of legislation will be passed by this Council submitted to the Board of Elections will be done on July 17, so it is important that the discussion be done before hand.

Council Member Jaenke: Mr. President, a question for our Law Director in terms of the language on the ballot. Can you share with us how that whole process works?

Law Director Crites: Interesting dynamic, which unfortunately, we have a history with, with the local Board of Elections. It is up to me to suggest the same and unfortunately largely it was in the providence of the Board of how they do it. We are going to be a lot more proactive this year and not leave it to the Board to independently phrase the Ballot language because that has been problematic in the past. It is a cooperative effort by the City via myself and my office and the Board of Elections that I hope to be proactive on to make sure that it is phrased in a way, plain and simply, that makes it easy for the voters to understand what is being proposed.

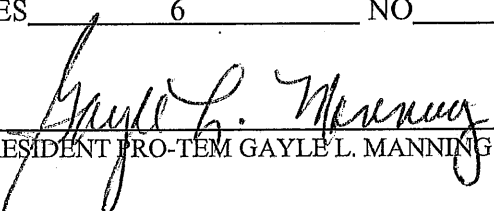
ADJOURN:

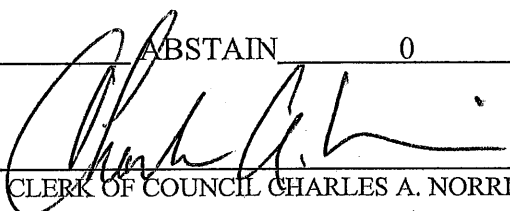
moved by Butkowski to adjourn

Meeting adjourned at 9:28 P.M.

MOTION Jaenke 2ND Butkowski DATE July 17, 2006

YES 6 NO 0 ABSTAIN 0


PRESIDENT PRO-TEM GAYLE L. MANNING


CLERK OF COUNCIL CHARLES A. NORRIS