

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

JULY 2, 2007

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 2, 2007. If you will all rise for our Invocation followed by our Pledge.

INVOCATION: lead by President Arndt.

PLEDGE OF ALLEGIANCE: by all.

President Arndt: Dr. Norris if will you please take the roll?

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, 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 the:

Council Minutes of regular meeting held June 18, 2007

moved by Butkowski, seconded by Jaenke to approve the Council minutes of the regular meeting held June 18, 2007

President Arndt: Is there any discussion? There being none, will the Clerk please take roll?

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

Clerk of Council Norris: Minutes are approved by a vote of six, zero and one abstention.

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

Parks & Recreation Commission Minutes of regular meeting May 23, 2007 and
Civil Service Commission Minutes of regular meeting June 19, 2007.

MAYOR AND DIRECTORS REPORTS:

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

• **Mayor:**

Mayor Gillock: Good evening Mr. President, Council Members and viewing audience. On Council's agenda tonight you will find T 90 authorizing the Administration to advertise for bids for a new water line relating to the splash pad project. This may be somewhat of a blessing in disguise. When we dug up the line going to the fire hydrant at South Central Park for the connection, it was discovered that only a two-inch line was run to that hydrant when it was installed many, many years ago. Fortunately, over the years, that hydrant was never needed or we could have had a real problem. We need to replace that line, not only for the splash pad project, but to have the proper water supply should it ever be needed in an emergency. I would ask that it be passed this evening with the emergency so we can get that fixed.

As you may already know, the State General Assembly passed and the Governor signed legislation doing away with local control of cable television franchise authority. Since we were working under an extension, we are no longer in the cable television business. We will continue to collect some level of a franchise fee, but local franchising is now prohibited and that authority is now under the control of the Department of Commerce. Under the new law, the Director of Commerce has the authority to enforce a few specifically enumerated customer service standards. Video service providers are required to assist local governments in addressing subscriber complaints, but local governments have no enforcement authority whatsoever. Also, no longer are operators required to build out and provide service to the entire community. If you are in a new development and do not have service, you will have to take it up with the State Director of Commerce. Hopefully, this will translate into lower cable television costs. Although, I for one, will not be holding my breath waiting for that to happen.

On a brighter note, Independence Day will be celebrated in North Ridgeville, tomorrow at South Central Park with events beginning in the Park at 1:00 P.M. There will be an inflatable obstacle course, games with prizes and face painting from 1:00 P.M. until 7:00 P.M., a blood drive until 9:00 P.M., crafts and free snow cones from 4:00 P.M. until 6:00 P.M., a local teen band from 2:00 P.M. until 7:00 P.M.; all culminating with a free concert in the gazebo followed by fireworks in the park at dusk. Come early and visit with friends and neighbors and enjoy some of the best fireworks around. Although, both the Chronicle and the Sun Newspapers show that the fireworks are on the fourth, the fireworks are tomorrow night. Hope to see you all there.

I would like to request an Executive Session after Audience Participation to discuss property acquisition. Thank you, Mr. President and that concludes my report.

President Arndt: Thank you, Mr. Mayor. You said that was land acquisition?

Mayor Gillock: Yes.

President Arndt: We now have the opportunity to hear from our Safety-Service Director, Mr. Johnson.

- **Safety-Service Director:**

Safety-Service Director Johnson: Thank you, Mr. President. I'm fresh off vacation. I don't have a prepared statement for tonight. I would like to comment on our loss of the franchise authority. Part of the franchise agreements that we have had for the last 10 or 15 years is the cable operator and camera in the back of the room. That is now in jeopardy. Anyone who is home viewing this can give Time Warner a call and let them know we want to keep it. That concludes my report.

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

- **Engineer:**

Engineer Griffith: Thank you, Mr. President. Air conditioning season is upon us and as I have mentioned previously, most of our electrical power is generated by burning coal, which produces acid rain, particulate matter, carbon dioxide and so on. All of which, can affect the quality of our storm water run off. With this in mind, please consider the following tip from the U.S.

Department of Energy. Don't place lamps or television sets near air conditioning thermostats.

The thermostat senses heat from these appliances, which can cause the air conditioner to run longer than necessary. This especially applies to television sets and other appliances that are always on, even when you have turned them off. Thank you. That concludes my report tonight.

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

- **Auditor:**

Auditor Costin: Thank you, Mr. Chairman. No reports scheduled for this evening. However, I do have three items of comment. The first of which is a heads up that at the next meeting, July 16, there will be several pieces of legislation that represent the roll over of our Bond Anticipation Notes. They are scheduled to mature in September. However, if we can pass the legislation before the August recess, then we can go to market in August and try to get a preferable interest rate. They will be here on the agenda next week. Excuse me, they are here actually today, but they will be on the agenda for next meeting and would request that you pass those with the emergency at the next, July 16, meeting.

Second item is an amended appropriation ordinance. You may recall that we had an appropriation ordinance at our prior meeting and we delineated those items that dealt with wages. We now have included a new appropriation ordinance, T 88 with the results of the Finance meeting that occurred since the last Council meeting. I would request that, that be passed tonight with the emergency since there are certain items included in the amended appropriation ordinance that are intended to be in effect July 1.

The third item is T 89, which is the City's 2008 Budget. In order to comply with the Ohio

Revised Code, the City must pass the budget by July 15. Unfortunately, the way the calendar reads this year, the 16th of July is our next scheduled Council meeting. I would request that, that be passed today with the emergency as well. Now, what I would be more than pleased to do, is when T 88 and T 89 are scheduled to have their first readings, I would like to discuss them briefly and answer any questions on the contents of either of those two pieces of legislation that anyone might have. Thank you. That concludes my comments.

President Arndt: Thank you, Mr. Costin. Just for clarification for all of us here on Council tonight; based on my understanding of hearing from our Directors tonight T 88, T 89 and T 90 have all been requested to be adopted tonight with the emergency. Correct me if I am incorrect. Any questions from anyone on Council with regard to that? Great, thank you. Dr. Norris, would you please continue on with our other reports?

• **Other Reports:**

Clerk of Council Norris: Other reports in your packets tonight include the:

Fire Department Report for May 2007 and
Building Department Report for May 2007

President Arndt: Dr. Norris, if you would begin with the first of our series of committee reports beginning with the Utilities Committee.

COUNCIL COMMITTEE REPORTS:

Clerk of Council Norris:

1) UTILITIES COMMITTEE REPORT #5667 dated June 14, 2007. Members of Council: We have considered the matter of adding a reference to lien procedures to Title Four of the North Ridgeville Codified Ordinances entitled "Utilities" and recommend that this request be approved and proper legislation be drawn authorizing the reference of lien procedures as outlined in T 7-2007 now known as Ordinance No. 4429-2007.

Signed: Members Butkowski and Olesen and Chairperson Buescher.

moved by Buescher, seconded by Butkowski to approve the Utilities Committee Report #5667

President Arndt: 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: Report is approved.

2) UTILITIES COMMITTEE REPORT #5668 dated June 14, 2007. Members of Council: We have considered the matter of water service security deposits, and recommend amending Section 1046.18 to read as follows: All applications for water service shall be made at the Public Utilities Department. All customers must apply for their own service by paying a deposit of fifty

dollars (\$50.00). Those customers who were water customers prior to October 18, 1982, and had no previous record of delinquency of either water or sewer bills, shall be exempted from paying a security deposit. Said security deposit is non-refundable until such time as water service is terminated to said customer and his or her bill has been paid in full, or provided that the customer has shown no record of delinquency during any 12 consecutive months. In the event that there is a balance due for water services at the time services are disconnected, said security deposit shall first be applied and credited to the outstanding balance and the remainder refunded. In the event the services have been paid in full, said security deposit shall be refunded in whole, without interest. And recommend that this request be approved and proper legislation be drawn authorizing the amendment to Section 1046.18 of the North Ridgeville Codified ordinances entitled "Security Deposits".

Signed: Members Butkowski and Olesen and Chairperson Buescher.

moved by Buescher, seconded by Butkowski to approve the Utilities Committee Report #5668

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, just a clarification. I just want to make sure that when the Clerk was reading the Committee Report; at least in my copy, it says that the customer shall get a refund as long as there is no record of delinquency during any 12 consecutive months. The word consecutive was left out of his copy.

President Arndt: Which line is that Mr. Boose?

Council Member Boose: It's the seventh line down.

President Arndt: You're simply clarifying that the record read that no record of delinquency during any 12 consecutive months.

Council Member Boose: Yes.

President Arndt: 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: Report is approved.

3) FINANCE COMMITTEE REPORT #5664 dated June 25, 2007. Members of Council: We have considered the matter of the position of Records Manager and recommend that this request be approved and proper legislation be drawn creating this position with the attached job description.

Signed: Members Boose and Jaenke and Chairperson Manning.

moved by Manning, seconded by Boose to approve the Finance Committee Report #5664

President Arndt: Is there any discussion?

Council Member Manning: Mr. President, this one and 5665 are both in regards to House Bill 9 and the extra duties that go along with that to help alleviate some of that.

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

Yes, 7 No, 0

Clerk of Council Norris: Report is approved.

4) FINANCE COMMITTEE REPORT #5665 dated June 25, 2007. Members of Council: We have considered the matter of the salary of \$4,000 for the position of Records Manager and recommend that this request be approved and proper legislation be drawn authorizing the above. Signed: Members Boose and Jaenke and Chairperson Manning.

moved by Jaenke, seconded by Boose to approve the Finance Committee Report #5665
President Arndt: 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: Report is approved.

5) BUILDINGS & LANDS COMMITTEE REPORT #5666 Members of Council we have considered the matter of T 64-2007, an ordinance amending Section 1240.01 of the Codified Ordinances of the City of North Ridgeville, Ohio known as the Zoning Code Ordinance, to re-zone the following land: 34626 Center Ridge Road and 34564 Center Ridge Road, also known as Permanent Parcel Numbers 07-00-016-101-007 and No. 07-00-016-101-008 (As Shown by Legal Description Below); from R-1 Residence District to B-3 Highway Commercial District and owned by Jozsef and Katalin Burda and recommend that this request be approved and T 64-2007 be adopted by Council.

Signed: Members Manning and Olesen and Chairperson Jaenke.

moved by Jaenke, seconded by Olesen to approve the Buildings & Lands Committee report #5666

President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, just an update. The property we are talking about; the front section of 34626 and 34564 has already been zoned B-3. What we are talking about is the property behind these two addresses, which abuts a residential district. This is an opportunity to again, clean up, if you will, a small section of Center Ridge. The existing business that is operating there has been somewhat of a problem in terms of violations. Hopefully, that will be eliminated. There will be a buffer between this property and the residential area. There was some concern in terms of the residents that abut this in that the residential street would be cut through to Center Ridge and that will not happen. As I understand in talking with Dennis, that his people that live on that street are very satisfied. That is all I have, thank you.

President Arndt: Thank you, Mr. Jaenke. Is there any other discussion?

Council Member Boose: Mr. President, since I am a property owner immediately adjacent to this property, I will be abstaining from voting so that I can avoid any potential conflict of interest.

Council Member Olesen: Mr. President, if you look at this property, you will also realize that they are not going to build residence in this particular area. It's not going to happen as this is area is all commercial.

President Arndt: Thank you, any other discussion by any other Council members? There being none, will the Clerk please take roll.

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

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

President Arndt: We have one other report for tonight that has been presented to the Chair from

Park and Rec and Mrs. Butkowski has some comments.

Council Member Butkowski: Yes, at the last Park and Rec. Board meeting, I brought up the issue that was assigned to us. There was a report of one of the Coaches smoking while he was with his children. We went over the Coaches code of ethics and I'll read this one section that each Coach is supposed to live up to this code of ethics. It says I will provide a sports environment for my team that is free of drugs, tobacco and alcohol. I will refrain from their use at all youth sports events. Since this has been in place for quite a while and each Coach is to live up to this code of ethics, we did nothing more, because we thought the subject was covered. If any parent sees a Coach smoking in front of their children, they should report it to Mr. Spaulding. He will take care of it. We hope that this takes care of it. If there are still problems, please report it to Mr. Spaulding and we can then go into this deeper.

President Arndt: Thank you, Mrs. Butkowski.

Mayor Gillock: Mr. President, I have had a discussion with John Deluca who is head of the umpires and asked them to keep an eye on this particular topic. If they see a Coach smoking, to then remind them of the code of conduct. They are going to keep an eye out for that. It is very rare, but it has happened. Hopefully, this will put an end to it.

President Arndt: For clarification purposes, we're dealing with Coaches who are smoking and not people who are observing the game. Is that my understanding?

Council Member Butkowski: Yes.

Council Member Buescher: I was just wondering that too. This just refers to Coaches on the field and not off the field?

Mayor Gillock: The code of conduct is for the Coaches and Assistant Coaches and where they might be in position to be influencing the kids. We don't want them smoking. We don't want to go as far as to totally ban smoking in the parks because we felt that there might be some parents that wouldn't come see their kids play or might not even sign their children up. It is for the kids. We didn't want to totally ban it, but we do want to follow the code of conduct, which is what Mrs. Butkowski read, which is for the Coaches and the Assistant Coaches to refrain from using tobacco when they are around the kids.

President Arndt: Thank you. Dr. Norris, we now move to what I believe are five pieces of correspondence. If you would begin with the first.

CORRESPONDENCE:

Clerk of Council Norris: Five items of correspondence:

- 1) Received a letter on June 18th from State Representative Matt Lundy submitting highlights of some of the provisions of SB 117 that affect out local communities.
- 2) Received a letter on June 18th from Joanne Eldridge, Assistant Director of the Lorain Pubic Library System submitting their second annual report of expenditures from the 1.91 mill operating levy for the North Ridgeville Branch Library.
- 3) Received on June 21st, 49 Referendum Part Petitions containing 1,142 signatures for

Ordinance No. 4416-2007, rezoning the southeast corner of Butternut Ridge Road and Bagley Road from R-1 Residence District to SDD Special Development District.

4) Received a letter on June 24th from Joan Kemper, Bay Village Clerk of Council, submitting a resolution opposing the quarterly customer service charge imposed by the City of Cleveland on water bills.

5) Received a committee statement on June 25th from Gerald W. Phillips, Attorney-Agent for the Committee for the Referendum of Ordinance 4416-2007.

President Arndt: We have no new business tonight and so we move now to the Audience Participation section of our meeting. It's our lobby section.

AUDIENCE PARTICIPATION (Lobby):

President Arndt: Any members of our audience tonight are invited to address your City Council. We request that you fill out the lobby form that you can find in the back of the room because it gives us the opportunity to connect or communicate with you personally, should there be any need for any individual follow up. You are now welcome and invited to come forward to the podium at this time, immediately to the right of Mrs. Buescher. However, when you do come forward, please clearly state your name and your address and limit your comments, please, to three minutes. The lobby is now open.

1) Paul Papes of 5240 Lear Nagle Road requested approval to speak a little longer as he stated that this is his fourth attempt in approximately two years to try to get something taken care of. He stated that he received a letter from the Safety-Service Director referring to ORC Section 4511.21 (3) and does not know what that means. He explained the contents of the letter in regard to changing the speed limit and the requirement of an engineer's study. The letter notes that Lear Nagle is a major thoroughfare designed to move traffic in and out of the neighborhood. The road he lives on is about a mile to a mile and a quarter, which means it is very small and is at the very end of North Ridgeville going north. He stated that it seems to him that we're allowing the traffic to empty out, not for the benefit of North Ridgeville, but to benefit Avon. The letter stated that there are thousands of commuters daily and noted that was true and that there were thousands of trucks going down that road as well as semis noting that he went after one today and wrote the license plate down and reported it to the police. He noted that the letter stated that they are going to close Lear North School which people didn't know. He stated that the City of Avon is working with ODOT to plan an interchange for Lear Nagle in North Ridgeville. Explained that there are posted truck signs which don't mean anything. He noted that South Lear Nagle from Center Ridge to Lorain was 25 miles per hour at one time; some years back and noted the posted speed limits of 25 miles per hour in Avon on Lear Nagle Road. Avon is in fault and are in violation of Ohio Code, the way he sees it. He asked that the Safety-Service Director respond to that. He thanked Council Member Boose and Opraised him for doing a good job.

President Arndt: Mr. Papes you have reached your three minutes and if you feel you have some additional comments that you want to make, I have a suspicion that there will be some people here that will motion to give you another three minutes.

moved by Boose, seconded by Buescher to suspend our By-Laws and give Mr. Papes an opportunity to speak another three minutes

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

Yes, 7 No, 0

Paul Papes: I love the vote and I've been here a few times and I always see a seven, zero vote and it is nice. Sometimes, I look at it when the audience participation gets involved in it. It's like looking at the proverbial monkey. He doesn't hear, he doesn't speak and he doesn't see and that is the way I kind of project at Council. In other words, they'll vote on issues pertaining to business, real estate, etc. and I always feel that we have gotten neglected. Basically, that is what I want to say. I think you guys took an oath at one time to leave this City in a better spot than what it is now. I think we have a lot of problems in North Ridgeville and a lot of money being shelled out. I thank you for the opportunity, the extension and all. Thank you.

President Arndt: Thank you. Who else would like to address City Council tonight.

moved by Arndt, seconded by Olesen to suspend our By-Laws tonight to move into Executive Session for the purpose of discussing land acquisition

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

Council recessed into Executive Session at 8:03 P.M. to discuss the sale of City owned property. Council reconvened from Executive Session at 8:20 P.M.

moved by Arndt, seconded by Boose to suspend our By-Laws tonight to dispense with recess

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

RECESS: dispensed with

President Arndt: We move now tonight with ordinances and resolutions beginning with T 87. Dr. Norris?

ORDINANCES AND RESOLUTIONS:

• **Ordinances & Resolutions Submittals**

Clerk of Council Norris:

T 87-2007 A RESOLUTION ESTABLISHING THE PRELIMINARY PROCEDURES FOR
THE CREATION OF A JOINT ECONOMIC DEVELOPMENT DISTRICT
WITH EATON TOWNSHIP.

President Arndt: Just as an FYI for Council. We have a public hearing slated for September 4 on T 87.

Law Director Crites: Mr. President, maybe I should get the Mayor's attention to this as well. This is step one of the statutory process in which a Joint Economic Development District is created. This basically is a resolution, which allows us to schedule the public hearing and provide notice to the people, not only in our City but adjacent cities to come and review the contract to basically see what we are thinking about doing. That being said, I wonder if it wouldn't be in the City's best interest to suspend the By-Laws to pass this resolution tonight. This would not be the adoption of the JED District. This is step one of a very procedurally intense process that is laid out under the Ohio Revised Code to create these districts. Without this resolution being passed, we don't even have the ability to schedule the public hearing and or advertise it in the local papers for 30 days, which is one of the prerequisites of even adopting the JEDD agreement.

President Arndt: So, your suggestion is to adopt this tonight to enable us to do a public hearing?

Law Director Crites: Right and to expedite the process of creating the JEDD, because for those of you who weren't at the Committee meeting when it was discussed, it is in the City's best interest that this JEDD be created, because basically, what it is, is a little sudo-City, for lack of a better word, that is outside of our City where economic development and commerce comes in and we share the tax revenues with the township and in this case, it would be Eaton Township. It's a proposition, which creates no burden for the City but, it essentially has nothing but potential benefit when it happens. A City that is growing like ours; I'm not the Economic Development Coordinator, I'm just the Lawyer. I think it might be in our best interest to get this moving in the event that it does go forward, so that we can see the revenues from it.

President Arndt: Mr. Mayor.

Mayor Gillock: Yes, in this particular JEDD, we would set up twenty-two acres. It would be set up for professional office buildings. We would sell them sewer service, basically. We would charge them for the sewage they discharge into our system. In addition to that, the businesses within the district would have to pay our income tax, which is one percent. We would deduct four percent for a management fee, if you want to call it that, off the top. Then the remaining 96 percentage points left, we would collect 80 percent and Eaton would collect 20 percent. It does bring tax dollars in and sewer service revenue dollars to the City. That is what the purpose of a JEDD is as it gives them access to sewer service in order for them to develop their businesses.

Thank you.

Law Director Crites: Briefly, President Arndt raised a very good clarification question. The

public hearing, which will take place, if this resolution is adopted tonight, on September 4 is not the public hearing on this resolution. It is the public hearing on the proposed Joint Economic Development District contract itself, which will be before Council separately down the road. It gives everybody a chance to look at it to see what we are talking about, etc. We are not passing an ordinance tonight and then setting a public hearing on it later.

Council Member Butkowski: This is our first step in regionalization for this whole area. This is going to be a fabulous thing for North Ridgeville and for Lorain County. It would be wonderful to get this started because this is what we need in this whole area. We need to grow and we need to bring in some dollars and this should help us do that.

moved by Butkowski, seconded by Olesen to suspend By-Laws tonight to give T 87 its first reading

President Arndt: Is there any discussion?

Safety-Service Director Johnson: I was just going to clarify what the Law Director was trying to say. It says it right in the title. A resolution establishing the preliminary procedures for the creation of a Joint Economic Development District with Eaton Township. The title says it all.

Council Member Boose: If I understand correctly, this needs to be passed at least 30 days prior to the public hearing. Correct?

Law Director Crites: Correct. Council cannot adopt the agreement itself without having that 30-day period of which public notice is published in a local newspaper and then the public hearing.

Council Member Boose: Correct. Might I recommend that, sometimes we tend to introduce something the evening of the meeting and then we pass it all and there is no time for the public to really investigate it. Since, we have another meeting this month, could we not put it through a first reading as such and then recommend to try and pass it at our next meeting, so that anybody in the public could review this legislation during the next two weeks and we would still be able to meet your deadline for publication?

Law Director Crites: Let me just think of the math. That would work because of the August recess. Anyway you shake it, there is no way that Council could adopt the agreement itself until September 4.

Council Member Boose: I am in full support of what we are talking about here in bringing tax dollars to the City with very little liability issues. Again, too often, we are trying to push things through and many times for very legitimate reasons because of the shortness of time that we get information that we have to deal with. In this particular case, it appears that we could easily postpone approving the measure for another two weeks and still meet the deadlines.

Law Director Crites: We could procedurally, that would work. We could advertise it then, just as long as you promise to remind me to do it. Yes, the straight answer is, is that would work. We would have plenty of time for advertisement and set the public hearing.

Council Member Boose: Thank you, very much.

President Arndt: Is there any other discussion? For the record, we have on the floor, a motion by Mrs. Butkowski and a second by Mr. Olesen to suspend By-Laws tonight to give T 87 its first reading. 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 88-2007 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 4380-2007 AND 4405-2007 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2007 AND ENDING DECEMBER 31, 2007

moved by Boose, seconded by Jaenke to suspend By-Laws tonight to give T 88 its first reading

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, this amendment to the appropriations has been discussed at length. Most of these items were discussed at length during the original appropriations and most recently during our last Finance Committee meeting. There is nothing in here that hasn't been talked about for quite some time so, I am in full favor of the measure and as Mr. Costin had indicated earlier, there are some things in here that take effect July 1, so it would behoove us to, when we get to the point, pass this with the emergency. Thank you.

President Arndt: Thank you, Mr. Boose. Any other 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.

T 89-2007 AN ORDINANCE ADOPTING AND APPROVING THE BUDGET OF THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2008, AND SUBMITTING THE SAME TO THE LORAIN COUNTY AUDITOR.

moved by Buescher, seconded by Jaenke to suspend By-Laws tonight to give T 89 its first reading

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, if we could through you, just have the Auditor explain to the audience here and on television as to how this came about and why we need to have the emergency this evening so that they have a better understanding of that.

President Arndt: Mr. Costin, if you would please?

Auditor Costin: I would be glad to go in as much detail as you would like. Typically, the Ohio Revised Code specifies that the budget must be passed by Council by the 15th of July. Typically, we do that at our second meeting, but the way that July falls this year, the 15th is on a Sunday and the next Council meeting is on a Monday. To be in compliance with the Ohio Revised Code, we need to pass it at this meeting. We received earlier in the year a memo from the County Auditor's office saying that they would not be, for some reason, accepting extensions. We did call down there to see if we could get a one day extension, a while back, and their preference was to have it filed. That is the reason we need to have it passed tonight with the emergency in order to be in compliance with the Ohio Revised Code. Now, the way the budget process works, briefly, is that we pass this budget for 2008 and we are allowed to amend this budget any time in the future as new revenue information becomes available. As Council all knows, in the month of December, we passed a temporary appropriation ordinance to approve the expenditures (Tape One, Side A ends) any time between now and then, we actually can update this budget with estimated revenues; as I said, at anytime new information becomes available to us. That is the

budgetary process and again when it gets to its first reading, I will be glad to go through what is included in the budget and answer any other questions about it.

Council Member Boose: Mr. President, just as one final follow up. The reason that we didn't have this legislation earlier is that because of the untimeliness that we received the information from the County and the amount of work Mr. Costin's department had to do in developing this. This was the first opportunity we had to get this out.

Auditor Costin: Yes, we actually are in overload right now as you know with what is going on in the financial area and all the financial activity we have had with note issues and other happenings this year. It has been tough. The fact is, is that we anticipated bringing it to the second meeting until we took a look at it last month. Now, we have had this in draft form in our office and have made the necessary notices of its availability through the publications in the local newspapers. We just hadn't had time to polish it to bring it to your attention with everything else that has been going on.

President Arndt: Any other discussion? Just a reminder for everyone, we have a motion by Mrs. Buescher and a second by Mr. Jaenke to suspend our By-Laws tonight to give T 89 its first reading. 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 90-2007 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE INSTALLATION OF A 6-INCH WATER LINE AND ANY APPURTENANCES FOR THE SPLASH PAD PROJECT, WHICH WILL INCLUDE BORING UNDER ROUTE 83 TO THE WATER MAIN NEAR THE BASKETBALL COURTS, NOT TO EXCEED \$35,000.00.

moved by Boose, seconded by Buescher to suspend our By-Laws tonight to give T 90 its first reading

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, this issue was brought up at the recent Park and Rec Commission meeting and it was initially suggested that the appropriate fund that this money would come out of would be the Park and Rec Improvement Fund. However, I won't speak for the Commission, they did have a vote that if there were some other appropriate line item that, that could come out of, it should because actually this line should have been already set at a six-inch line for the splash pad to be operable. It wasn't part of the original estimates of the splash pad project. In speaking with the Auditor's Department, there is money in the water fund, so I would hope that is where the monies will be appropriated.

President Arndt: Thank you, Mr. Boose. Mr. Mayor?

Mayor Gillock: We have placed this in the water fund and that is where it will be coming out of. It is in the appropriations.

President Arndt: Any other 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.

T 91-2007 AN ORDINANCE DEDICATING PERMANENT PARCEL NO.
07-00-020-138-012 FOR PUBLIC PURPOSES.

President Arndt: THE CHAIR REFERS THIS TO PLANNING COMMISSION

President Arndt: That concludes our ordinance and resolution submittals. We now begin with our ever increasing list of first readings. If you will, Dr. Norris, beginning with T 47.

• **First Readings**

Clerk of Council Norris:

T 47-2007 AN ORDINANCE AMENDING NRCO SECTION 1224.05 APPROVAL
PROCEDURE FOR SUBDIVISIONS INVOLVING MORE THAN FIVE LOTS.
First Reading

T 48-2007 AN ORDINANCE AMENDING NRCO SECTION 1242.03 BUILDING
PERMITS AND CERTIFICATES OF OCCUPANCY REQUIRED;
CERTIFICATES FOR NONCONFORMING USES; ISSUANCE OF STREET
NUMBERS FOR STRUCTURES; TIME LIMITATION FOR
COMMENCEMENT OF WORK.
First Reading

T 61-2007 AN ORDINANCE AMENDING NRCO SECTION 1044.02, CONNECTION
4430-2007 CHARGES, TO PERMIT MODIFICATION OR WAIVER OF THE SEWER
INTERCEPTOR FEE UNDER THE APPROPRIATE CIRCUMSTANCES.
First Reading
moved by Mayor Gillock, seconded by Manning to dispense with the second and
third readings tonight on 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

moved by Olesen, seconded by Jaenke to adopt tonight T 61

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: T 61 is adopted and becomes permanent ordinance 4430-2007.
Permanent Ordinance No. 4430-2007

T 84-2007 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
4431-2007 AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A
MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST

BIDDER FOR THE PURCHASE AND CONSTRUCTION OF A NEW MAINTENANCE BUILDING AT THE FRENCH CREEK WASTE WATER TREATMENT PLANT, INCLUDING FOUNDATION, ELECTRICAL WORK, PLUMBING, AND ALL APPURTENANCES ASSOCIATED WITH A DESIGN BUILD BUILDING, NOT TO EXCEED \$200,000.00.

First Reading

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

moved by Mayor Gillock, seconded by Butkowski to adopt T 84 tonight

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, could I ask what the details of the increase in the original appropriation from 100 to 200 are made up of?

Safety-Service Director Johnson: The 100 previous figure was from several years ago. The way French Creek operates with their capital improvement projects is that they keep a number of projects on the books at all times. They get to the ones that they can. As you all know, going through the appropriations process, a lot of this stuff that does get appropriated, doesn't actually get done that year. It will get done the following year or the year after. The 100,000 dollar figure was a figure from sometime ago and is no longer accurate.

Council Member Boose: Mr. President, my only recommendation would be, in the future, that if they are going to go to appropriations for something that is going to cost 200,000, than say its 200,000. I don't have any issue with this request. French Creek does have the income in their budget to take care of it. In speaking with Mr. Costin, there are other projects that they will most likely not get to, as you had stated, as they do have a lot of things going on there. Again, it just makes it cleaner and more palatable when they bring something up in front of us to consider and it doesn't have a 100 percent increase.

Safety-Service Director Johnson: I whole heartedly agree. That is why the one with the 100,000 dollar figure was pulled from the agenda. I didn't want them coming back and asking for more money on an amended ordinance. When it was caught, I asked that it be pulled and proper figures put together.

President Arndt: Any other discussion? As a reminder for Council, we have a motion on the floor by Mayor Gillock and a second by Mrs. Butkowski to adopt tonight T 84. 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 and becomes permanent ordinance 4431-2007.

Permanent Ordinance No. 4431-2007

T 92-2007 AN ORDINANCE APPROVING THE FINAL PLAT OF BUTTERNUT
4432-2007 GROVE SUBDIVISION, PHASE 3, FOR RECORDING PURPOSES ONLY.

First Reading

moved by Arndt, seconded by Manning to dispense with the second and third

readings tonight on T 92

President Arndt: Is there any discussion?

Council Member Buescher: Mr. President, could I ask why?

Law Director Crites: I'm going to have to solicit the assistance of our Engineer, Mr. Griffith.

The way it was presented to me, quickly today, is that I believe that this is a minor amendment to a previously approved plat; that just as a matter of courtesy to the Engineer submitting the same. Without the amendment, they are dead in the water. Without this plat being recorded, they can't move forward. Mr. Griffith, maybe you can embellish and fill in the gaps.

Engineer Griffith: What happened here was that the developer was able to purchase the rear of another parcel. Everything such as, the utilities was originally put in for the additional two lots that they are adding. Everything is there, it is just a matter of them getting a plat approved by Council so that they can record.

Law Director Crites: So, it would be correct to say that this plat is just going to be adding two lots to a previous development by this developer?

Engineer Griffith: Yes.

Council Member Buescher: Thank you.

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

Yes, 7 No, 0

moved by Arndt, seconded by Olesen to adopt tonight T 92

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

Clerk of Council Norris: T 92 is adopted and becomes permanent ordinance 4432-2007.

Permanent Ordinance No. 4432-2007

T 93-2007 AN ORDINANCE APPROVING THE FINAL PLAT OF HAMPTON PLACE
SUBDIVISION FOR RECORDING PURPOSES ONLY.
First Reading

T 87-2007 A RESOLUTION ESTABLISHING THE PRELIMINARY PROCEDURES FOR
THE CREATION OF A JOINT ECONOMIC DEVELOPMENT DISTRICT
WITH EATON TOWNSHIP.

First Reading

moved by Arndt, seconded by Jaenke to dispense with the second and third
readings tonight on T 87

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 Arndt, seconded by Olesen to adopt tonight T 87

President Arndt: Any discussion?

Council Member Boose: Mr. President, again, I don't understand the reason for the adoption this evening and not allow the public at least two weeks to review this.

President Arndt: I stand corrected. It is the Chair's error. Thank you, because we just had that conversation ten minutes ago and in my state of total disrepair in my thinking, I apologize. As such, the Chair withdraws the motion to adopt.

Council Member Olesen: I withdraw my second, Mr. President.

Council Member Boose: Thank you Mr. President, for your reconsideration and thank you, Mr. Olesen.

President Arndt: I apologize and we will continue on. Dr. Norris?

T 88-2007 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO.
4433-2007 4380-2007 AND 4405-2007 FOR THE CITY OF NORTH RIDGEVILLE, OHIO
FOR THE PERIOD COMMENCING JANUARY 1, 2007 AND ENDING
DECEMBER 31, 2007

First Reading

moved by Boose, seconded by Buescher to dispense with the second and third readings tonight on T 88

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 Buescher to adopt tonight T 88

moved by Boose, seconded by Buescher to add the emergency tonight to T 88 in order to meet the deadlines indicated in the ordinance as it indicates that some of these are starting July 1 and also for the reasons previously given by the Auditor

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. Buescher to adopt tonight T 88 with the emergency. 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 88 is adopted with the emergency becoming permanent ordinance 4433-2007.

Permanent Ordinance No. 4433-2007

T 89-2007 AN ORDINANCE ADOPTING AND APPROVING THE BUDGET OF THE
4434-2007 CITY OF NORTH RIDGEVILLE, OHIO FOR THE FISCAL YEAR
BEGINNING JANUARY 1, 2008, 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 89

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 tonight T 89

moved by Boose, seconded by Butkowski to add the emergency tonight to T 89 in order to meet the filing deadline of July 15, 2007

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 89 with the emergency. 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 89 is adopted with the emergency becoming permanent ordinance 4434-2007.

Permanent Ordinance No. 4434-2007

T 90-2007 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
4435-2007 AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A
MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST
BIDDER FOR THE INSTALLATION OF A 6-INCH WATER LINE AND ANY
APPURTENANCES FOR THE SPLASH PAD PROJECT, WHICH WILL
INCLUDE BORING UNDER ROUTE 83 TO THE WATER MAIN NEAR THE
BASKETBALL COURTS, NOT TO EXCEED \$35,000.00.

First Reading

moved by Butkowski, seconded by Olesen to dispense with the second and third readings tonight on T 90

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 Butkowski, seconded by Olesen to adopt tonight T 90

moved by Butkowski, seconded by Olesen to add the emergency tonight to T 90 for the safety and welfare to those who visit the park and so that the project be finished this summer

President Arndt: Any discussion?

Council Member Boose: Mr. President, this project has already been delayed a couple of times. Nothing that the City has been involved with, but I think because of the deliveries of materials and things like that. There is no reason to delay the project any longer. We need to get this done.

President Arndt: Any other 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 Mrs. Butkowski and a second by Mr. Olesen to adopt tonight T 90 with the emergency. Any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING**

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Yes, 7 No, 0

Clerk of Council Norris: T 90 is adopted with the emergency becoming permanent ordinance 4435-2007.

Permanent Ordinance No. 4435-2007

President Arndt: That concludes all of our first readings. We have no second readings tonight. We move to our third readings beginning with T 74.

• **Third Readings**

Clerk of Council Norris:

T 74-2007 AN ORDINANCE CREATING THE FULL-TIME POSITION OF CHIEF
4436-2007 RESIDENT PROJECT REPRESENTATIVE.

Third Reading

moved by Olesen, seconded by Buescher to adopt tonight T 74

President Arndt: 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 74 is adopted and becomes permanent ordinance 4436-2007.

Permanent Ordinance No. 4436-2007

T 75-2007 AN ORDINANCE AMENDING ORDINANCE NO. 3858-02, TO INCLUDE
4437-2007 THE FULL-TIME POSITION OF CHIEF RESIDENT PROJECT
REPRESENTATIVE AND TO CREATE AND ESTABLISH A WAGE RATE
FOR THIS POSITION.

Third Reading

moved by Olesen, seconded by Manning to adopt tonight T 75

President Arndt: 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 75 is adopted and becomes permanent ordinance 4437-2007.

Permanent Ordinance No. 4437-2007

President Arndt: That concludes all of our third readings. We have one piece of old business. Dr. Norris, if you would read T 86.

OLD BUSINESS:

Clerk of Council Norris:

T 86-2007 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
4438-2007 AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A

MANNER PRESCRIBED BY LAW FOR THE MILDRED STREET
EXTENSION, INCLUDING OTHER NECESSARY APPURTENANCES AND
WORK-RELATED INCIDENTALS THERETO, NOT TO EXCEED \$80,000.00.
moved by Olesen, seconded by Manning to adopt tonight T 86

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, if we could get some clarification. I believe this is correct in that this 80,000 will not go anywhere in completing the entire street through to Mildred. This is just from the apartment complex to Jaycox?

Mayor Gillock: Yes, that is correct. This will pay for the entire project. However, the project is just from Jaycox basically to the apartments.

Council Member Boose: Right, so it won't go all the way through from the apartment to Mildred?

Mayor Gillock: Basically, from Forest Park to Jaycox.

Council Member Boose: Thank you.

President Arndt: Any other questions or comments? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 86 is adopted and becomes permanent ordinance 4438-2007.
Permanent Ordinance No. 4438-2007

President Arndt: Dr. Norris, if you will read our upcoming meeting announcements please.

UPCOMING MEETING ANNOUNCEMENTS:

Clerk of Council Norris:

Next Regular Council Meeting Monday, July 16, 2007 at 7:30 P.M. in Council Chambers

Public Hearing Tuesday, September 4, 2007 at 7:20 P.M. regarding T 87-2007 establishing preliminary procedures for the creation of a JEDD with Eaton Township

Council Member Butkowski: Mr. President, we have a notice here from Parks and Rec. We should be approving this money that was approved at the Park and Rec Board.

Council Member Olesen: It was dated June 28.

Council Member Butkowski: It is on our desks. I'm not sure if you want to go ahead and approve it. There is no legislation required, just verbal approval by Council. I think they want to get started on some of this. We just need verbal approval for that and I think they want to get started on some of those things.

moved by Butkowski, seconded by Buescher to suspend our By-Laws to place this verbal request by the Park and Rec. Commission on our meeting agenda tonight

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 Butkowski, seconded by Buescher to approve the expenditure of 2,500 dollars for 50 tons of sandy topsoil for leveling one playing field at Frontier Park

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 approve the expenditure of 22,000 dollars for sand slitting two playing fields at Frontier Park

President Arndt: Is there any discussion?

Council Member Boose: Yes, Mr. President, just to bring everyone up to speed on this. Both of these projects were thoroughly discussed at the Parks and Rec. Commission meeting and approved by the Commission. These two particular projects are part of an ongoing program that the Park and Rec. Department, along with our City Maintenance Department, has been involved in over the past several years in bringing up the facilities of all of our Parks and Frontier Park. We did some work on this last year and it helped tremendously. So, we are looking forward to helping even more with these two expenditures.

President Arndt: Thank you, Mr. Boose. Any other discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

President Arndt: Now, I trust we are complete? All right, now before we adjourn, on behalf of Council and the Administration, it is our hope that everybody has truly, a safe and enjoyable Fourth of July holiday. There being no other discussion?

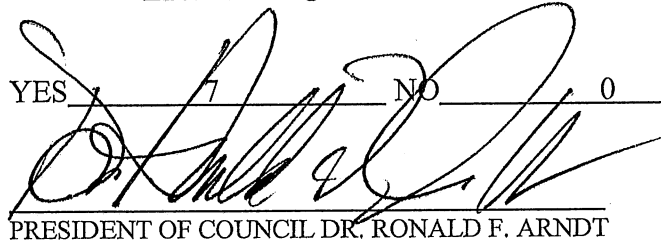
ADJOURN:

moved by Butkowski to adjourn.

Meeting adjourned at 8:58 P.M.

MOTION Manning 2ND Butkowski DATE July 16, 2007

YES 7 NO 0 ABSTAIN 0


PRESIDENT OF COUNCIL DR. RONALD F. ARNDT


CLERK OF COUNCIL CHARLES A. NORRIS