

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JUNE 21, 2004**

CALL TO ORDER: 7:30 P.M.

President Ronald Arndt: The Chair calls to order our North Ridgeville City Council regular meeting dated June 21, 2004. If you all rise for our Invocation followed by the Pledge.

INVOCATION: lead by President Arndt.

PLEDGE OF ALLEGIANCE: by all.

CALLING OF THE ROLL - ROLL CALL:

Present were Council Members Nancy Buescher, Allen Swindig, Bob Olesen, Bernadine Butkowski, Andy Young and President of Council Ronald Arndt.

Absent was Council Member Richard Jaenke.

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 Chuck Norris.

President Arndt: Mr. Jaenke had planned on being here with us tonight however, what he passes on is his regards and I am certain he will be here as soon as his energy level allows him. He may even be watching again tonight. He liked when we waved to him. I would request that our Clerk please read our minutes and then we can have corrections and approval.

MINUTES - Corrections (if any) and Approval:

Clerk of Council Norris: Council has before them the
Public Hearing Minutes of June 7, 2004 regarding T 59-2004

 moved by Butkowski, seconded by Olesen to approve the Public Hearing Minutes of June 7, 2004

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

 Yes, 6 No, 0

Clerk of Council Norris: Council also has before them
Council Minutes of regular meeting held June 7, 2004

 moved by Butkowski to approve, seconded by Olesen

President Arndt: Is there any discussion? The Chair would like to make note of some corrections on page four, second paragraph, last word of the second sentence and that would be, please do so, versus some. On page eight, third sentence from the bottom of page eight, I believe that is working together. Page Nine, first paragraph about half way through, there was reference that I said, there's a strong chance that we can get this resolved without fisted cuffs and I simply

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wanted just fisticuffs. Page 18, another slight modification is right after Arndt, it says that I direct that question to the Law Director. Is there any other discussion?

Council Member Buescher: Mr. President, on page one, where President Arndt begins to speak, the third line from the bottom waive should be wave.

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, 6 No, 0

Clerk of Council Norris: Council will also take note of the Board of Zoning & Building Appeals minutes of regular meeting May 27, 2004 and special meeting of June 3, 2004;

Planning Commission Minutes of regular meeting June 8, 2004; and

Parks & Recreation Commission Minutes of regular meeting May 26, 2004

Council Member Olesen: Mr. President, just one comment. With Mr. Jaenke incapacitated for a while, we haven't had a representative on the Planning Commission for at least two meetings now. I think Council, at some time in the future, should consider an alternate liaison member to Planning Commission that would serve in that capacity if the elected member is not able to do that. I think that individual brings back to Council a better perception of what is happening on the Planning Commission.

President Arndt: Thank you, Mr. Olesen. What I'll so is, I'll confirm with Mr. Jaenke what he believes his availability will be and depending upon, should it be an extended period of time, I will make an assignment.

Council Member Buescher: Mr. President, may I suggest, also, that the Buildings and Lands meetings go on as usual because two members there can effectively discuss and make decisions. We have quite a few items that are coming before us and I agree with Mr. Olesen and when the time comes, I would move that he would take that position until Mr. Jaenke returns.

Council Member Butkowski: Mr. Chairman, I think it would be a good idea if we selected someone tonight because there already has been two times they've met and that's important that we have a representative on there at all times. We probably, always, should have an alternate because there are times when people's schedules conflict no matter how much you plan and know things ahead of time. It would always be a good idea for that commission because there are regular meetings for that committee. I would like to make the motion to appoint Bob Olesen as the alternate liaison to that commission.

 moved by Butkowski, seconded by Buescher to appoint Mr. Olesen as our alternative liaison to the Planning Commission in the event the member is not available

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

Yes, 7 No, 0

MAYOR AND DIRECTORS REPORTS:

President Arndt: We now come to the Mayor and Directors reports this evening and the Chair will invite the Mayor as well as the Directors of our departments to provide Council with an oral report. We would like to begin with our Mayor. Mr. Mayor, is there any report from your office?

Mayor

Mayor Gillock: Thank you, Mr. President. A few things. First I have to modify my report because I started out with a welcome back to Mr. Jaenke who was in my office this morning. Dick's up, about and around and looking good but, I can also understand he doesn't want to overdo it. We certainly want to wish Dick well and get back as soon as you can.

For our residents and Council's information, I would like to inform them of a couple closings that could affect your travel through the City. First, the railroad crossing at Root Road will be closed starting today and continuing through the end of the week, 5:00 P.M. Friday, June 25 for the repair and replacement of the railroad tracks.

Starting today, Race Road will be closed immediately south of Center Ridge Road through 5:00 P.M. Wednesday, June 23, due to work on the west Center Ridge Road sanitary sewer project. Yes, that project is now finally underway and the contractor has begun digging on the project.

Also, be aware as you travel down Center Ridge Road, that it will be narrowed down to two lanes as they progress and we ask travelers to be cautious driving through that work area.

As I mentioned last meeting, just a reminder, garbage pickup for the July 4th weekend will not be changed. Pickup will be on Tuesday as normal even though Monday is a legal holiday for most people.

Occasionally, it is brought to our attention of something significant accomplished by one of our residents. We don't always have a formal way of recognizing them for what they may have accomplished or to get to recognize them in person for their achievements. I would like to inform you of what we're calling a Citizenship Award to be awarded to a young 15 year old man named Craig Martin. When one of his class mates was choking on a piece of candy, Craig performed the heimlich maneuver dislodging the candy. If I may, Mr. President, I would like to briefly read the award and we would like to, again, thank Mr. Martin for his actions and we will get this award to him. This may be something that we can start and do more often if it shows to be warranted.

To Craig Martin, this Citizenship Award is being presented to you on this day in honor of your act of bravery, your performance of the heimlich maneuver on a fellow classmate undoubtedly, saved her life. Knowing the heimlich maneuver is a valuable asset and a life saving tool the more individuals should be educated on. Having just recently learned the technics of this

maneuver, you did not hesitate to act upon an incident that could have turned out to be fatal. For this act of bravery, many people will be internally grateful. On behalf of this administration and the residents of the City of North Ridgeville, I proudly present this Citizenship Award to Craig Martin for the acts of bravery and courage you displayed in assisting someone in need. Your heroic efforts will be remembered by many. People helping people, that's what helped make this country what it is today.

We certainly appreciate Mr. Martin's efforts and we will get that to him.

Lastly, you have three pieces of legislation before you this evening in regards to repealing the 1996 Family Dwelling Code and adopting the 2004 Code and adopting improvements Council had previously made to the 1996 code. We'd like these to receive their first reading tonight. The reason for adopting the new code, other than the fact that it's always wise to stay current, is that we are currently being reassessed by the insurance services office, ISO, in regards to our Building Code affecting this grading system. ISO uses this code to advise insurance companies how effective our codes are which affect our insurance rates. Adopting the newer code will assure us of getting the best rating that we can. These are zoning codes. Therefore, they have to have three readings on three separate evenings. We can't dispense with second and third. If we give it a first reading tonight we can do the second and third in July and adopt it. Otherwise, we would have to wait until September and ISO has already given us points, like demerits, because we haven't adopted the newer code. As soon as we adopt the new one, we will send them a copy of the ordinance and they'll take those points off. One ordinance repeals the 1996. The second ordinance adopts the 2004 and the third one puts back on those amendments that we made to the 1996 code that we felt were warranted such as half inch sheathing on exterior walls and limiting the run of ducts from fans, those types of things, putting those back on. If Council would, we would like those to receive first reading this evening. That concludes my report. Thank you, Mr. President.

President Arndt: Mr. Mayor, just to clarify so that we're all referring to the same thing, it's T 85, T 86 and T 87. Thank you, Mr. Mayor. 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. We've been working hard to save tax dollars on items the City uses. We're working right now on a plan to save money on cell phones and office supplies. I can report tonight that we have concluded an agreement with Speedway to purchase gas from Speedway stores in our City at a savings of about four cents a gallon. It doesn't sound like a lot but, it does add up.

Finally, I'm prepared tonight to give an update on negotiations if it is Council's wish to call for an executive session. That's all I have.

President Arndt: Thank you, Mr. Johnson. We'll call for that executive session just before recess. We now have the opportunity to hear from our Engineer, Mr. Griffith.

Engineer

Engineer Griffith: Thank you, Mr. President. Last Council meeting, I discussed lawns with respect to fertilizers, weed killers, and grass clippings. Tonight, I'd like to talk about another item that many people allow to be deposited and to remain on their lawns and that item is animal waste. Allowing animal feces to remain on your lawn or even worse, your neighbors or the public park or tree lawns in the public right-of-way, they can create odors. They can cause walking hazards. The main purpose why I'm bringing it up is because it can pollute our streams and waterways. Leaving pet waste on the ground increases health risks by allowing bacteria and nutrients to wash into the storm sewer system and eventually to the local bodies of water via near by storm retention or streams near homes. Walking your path or simply letting it out onto your lawn, remember to promptly pick up the waste and dispose of it properly. The second best disposal method is to place the waste in your garbage. The best method is to flush the waste down your toilet and allow French Creek Wastewater Treatment Plant to do the job it was designed to do. Thank you.

President Arndt: That's interesting. It's great to get new learning's every Council meeting. We appreciate that. We now have the opportunity to hear from our Auditor, Mr. Costin.

Auditor

Auditor Costin: Thank you, Mr. President. A written report for May has been distributed to Council persons.

Auditor's Written Financial Report for May 2004

moved by Swindig to approve, seconded by Butkowski

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

Yes, 6 No, 0

Auditor Costin: The only financial item on the agenda tonight is committee report 7243 which deals with the annual authorization to transfer certain funds and it's synonymous with the ordinance passed in prior years. There's no particular reason to rush it through but, I would request that the committee report be passed tonight and the ordinance you pass at Council's first opportunity.

President Arndt: Thank you, Mr. Costin. Will the Clerk please read our other reports.

Other Reports

Clerk of Council Norris: Other reports before Council this evening include:
Public Water System Report for May 2004;
Police Department Activity Report for April 2004; and
Fire Department Report for April 2004.

Planning Commission Report of regular meeting June 8, 2004:

APPLICANT: Deerfield Meadows Homeowners Association
OWNER: James Robbins, 8546 Antlers Trail
Bob White, 8441 Antlers Trail
REQUEST: Homeowners request to donate unused portions of their property to open space for the creation of easements.

moved to approve by Olesen, second by Swindig

Council Member Buescher: Mr. President, I attended the Planning Commission meeting in regards to the Deerfield Meadows Homeowners Association and the problem that I have with this is that the gentleman who requested the donation on the unused portion of their property claim that they were told by the builder that they could add a patio onto the back of their homes. It goes into the common area and it also goes into the swale on the property. Now, first of all, the builder had no right to tell these people that they could build on the common property and what's going to happen is that we're setting a precedent here that people can build onto the common property which is required by the Homeowner's Association and then give a portion of their property that's totally meaningless to the common area. Also, these people did not have permission to build that patio. They did not get permits. I'm going to have to vote no on this because it is setting a precedent for anyone to put up a patio on common area or on someone else's land and then donate another portion of their land which is, to me, ridiculous.

Council Member Olesen: Mr. President, I wasn't at this meeting. Perhaps Mrs. Buescher can answer this question. Was it an admission by the builder he told the homeowners this or was it alleged that he told the homeowners this?

Council Member Buescher: Alleged.

President Arndt: Is there any other discussion?

Council Member Butkowski: Mr. Chairman, they said they're going to record all of this. That's all well and good but, down the line, that property that they're donating is between the houses. Those houses are close enough together if somebody decides to use that property, there can be police calls on that and the police can't know that there's a little public area here. If they know where the common areas are and where people can be and not trespassing but, they can't know that this individual person gave that land to them. Maybe some of the people in the neighborhood do but, not everybody knows that. That can make a lot of problems down the line to start doing this. We can have these little pieces shoved in all over. We have ordinances. Every City practically requires people to get permits to put in decks and things and if they think

the builder can tell them to do that, the City can't just say, oh that's okay because we're going to have all kinds of these coming up here.

President Arndt: Just for my own clarification, what would be the option should this not be approved? What would be the option for the two property owners? Is it my understanding that the option would be that their patios and the structures would have to be removed?

Council Member Buescher: That would be the option. That would be the correct thing to do.

Council Member Young: Mr. President, I think there's another option. These individuals can always go to the Board of Zoning Appeals if it encroaches on any variances, if they need a variance to allow them to have the deck. I'm not familiar with Deerfield to the point that, is it a cluster area? Because, if it's a cluster area, we're talking about open space that belongs to the cluster area, then it's private property through the Homeowner's Association. If the Homeowner's Association sanctions it, it's up to them. I'm confused here so, I don't know.

Mayor Gillock: Mr. President, this is an R-1 development under one of the cluster subdivision paragraphs that are returned for, I forget all the particulars, I think they have to have twenty acres and in return for maintaining 20 percent open space. They can build 35 percent of the property as a cluster and in this particular case, the homeowners and I were also at the same meeting, built on the back of their property, found out they were in violation because they intruded into the open space. So, what their attempting to do is trade point zero zero eight three three acres which they have, let's say illegally occupied for point zero zero eight three six acres as open space. You can't ever use or build in open space which is how this happened. They can't go get a variance. If they were getting a variance it would decrease the 20 percent and put the whole project under the required 20. They're basically trying to trade some of their back yards that are considered open space and trade it with some of their side yards and the association has agreed with it. That's just an explanation of what's happening.

President Arndt: So, the association has agreed with that?

Mayor Gillock: Yes. Let me confirm. There is a letter to the City from the Deerfield Meadows Homeowner's Association, The undersigned Board of Managers hereby formally submits this request for action to the North Ridgeville Planning Commission on behalf of our homeowners. Let it be understood that any cost for services will be paid by the individuals and it's signed by the President, Secretary, Vice-President and Treasurer and a member at large. The Homeowner's Association does support it.

Council Member Young: If the Homeowner's Association approves it, then I have no problems with it. Clearly, those residents have come together with a meeting of the minds through their own process to allow it. To have us micro manage what the Homeowner's Association can or cannot do, it sounds as though, since they're donating the property back, it's fine by me.

Council Member Buescher: Mr. President, this has to come through us for approval. These things were contained in the original agreement and the City has the agreement written up the way it is for a particular reason. If we allow one person to do this, they can go down the line and donate open space between properties which is ridiculous and all of the people in that association can put up patios or decks on their homes. It's sloppy and I don't think we should set a

precedent.

Council Member Olesen: Just one question perhaps somebody can answer it. Are we looking at an honest mistake on behalf of these residents?

Mayor Gillock: I'll be right back. The Engineer wants to draw a diagram.

Council Member Olesen: Can someone comment on that?

Council Member Buescher: I would just like to say, I don't know how honest of a mistake it could be. It's built into the swale and you are not suppose to be building into a swale. Everyone on Planning Commission knows that.

President Arndt: Mr. Griffith, what insight can you add to this for us?

Engineer Griffith: The Mayor is going to get a marker for me. I'm going to draw a little sketch on the board to illustrate this. I think it's already been brought up that the people did not have permits.

Council Member Buescher: Mr. President, may I say that even if it were an honest mistake, anyone who builds anything in this City needs a permit and they did not get a permit.

Engineer Griffith: I'm going to illustrate this. That's suppose to represent two of the lots in the development. Each homeowner gets that footprint. They can build in that footprint wherever they want. The red represents the building. Now, in this particular case, as I understand it, what happened is, they added onto the back. Part of what they added was in their footprint. Part of it was out of their footprint. All of the other area around there is common ground with the association. What they're trying to do is take this area right here, which essentially now belongs to the association, add that like this and then take another piece out over here, put it back into this part. Essentially, that's what they're trying to do.

President Arndt: With regard to the other piece that is right close to the footprint on the north and west side, where's the extension on that piece.

Engineer Griffith: I believe both of them is something like this. Not exactly but, something on that order. What I'm trying to illustrate is that they can utilize that footprint anyway they want. It's just in both of these cases they went beyond that footprint. As it's already been brought to everyone's attention, had they taken out a permit, that would have been discovered before they did their work. What it boils down to is they have to get something, if this is allowed to continue, they have to have something that gets recorded with the County so their footprint is still the same size or maybe a little less in this case.

Council Member Olesen: Mr. President, I've spoken twice already, may I speak one more time with a question?

President Arndt: Yes, you may.

Council Member Olesen: Mr. Griffith, I'm still looking at this going to the Board of Zoning Appeals with a variance on that patio and also that little piece taken out as an approval item for the board. Why not do it that way and it's legal? We're doing something I think that, they didn't get a building permit, for this, to begin with and I'm really upset by that to begin with. But, I think we can remedy it. I hate to penalize somebody this much but, if they do go to the Zoning Board and get a variance, I think I could accept that.

Engineer Griffith: I don't know the answer to your question, if they can do that or not.

President Arndt: I wonder if our Law Director might be able to give us a keen insight here.

Law Director Crites: This is a unique situation. First of which I've heard tonight. Before you bank too much of what I have to say, I would like to look into it and research a little bit.

However, I still would say, when you got to the BZA, my question would be, what would they be looking for a variance for? In a situation like this, I think that BZA approval would be more toward the entire development, the essence and nature of the cluster situation, does it confirm with our codes, etcetera. What strikes me as most significant is the fact that internally, their Homeowner's Association has ratified this modification. It might be interesting and I do agree with your point that it could be appropriate to seek a variance but, variances are so much more and Zoning is so much more directed toward usage and if the entire development falls within, and it obviously does or it wouldn't exist, within our zoning scheme then, it's going to be interesting, such a minor, I don't know if it really fits. What I'm trying to say, Mr. Olesen, I don't know if it really fits in a puzzle of seeking a variance. Again, because the Homeowner's Association actually owns that land and if the entire plot fits within our zoning scheme, I really think to a great degree, before you make a decision on this, you should defer to those owners, that Homeowner's Association decision and their own little democratic process as what to do about this.

Mayor Gillock: Mr. President, in regards to going to the Board of Zoning Appeals, number one, it's not a set back variance because they're not violating the set back. The problem is with the 20 percent. By their porch, deck, patio, being in the Homeowner's Association's property, they're violating the 20 percent rule. The Homeowner's Association can go to the BZA and say, I would like a variance for the 20 percent which I think is a worse error than this situation where I think, due to an honest mistake, they've intruded on the 20 percent which again belongs to the Homeowner's Association and they can easily correct this by giving us that other piece of property. They're still on their footprint. They're not violating our set backs. I don't know if they're in the swale or not but, if they are they're not very much into the swale. I think it's an honest mistake. This is a simple solution. I understand Council's concern but, going the variance route, I think is worse than letting them do what they're trying to do.

President Arndt: Thank you, Mr. Mayor. The Chair would like to request that our Clerk reread this because we got so anxious that we didn't get through the whole reading and if he'll do that because we do have a motion on the floor by Mr. Olesen and second by Mr. Swindig.

Clerk of Council Norris:

APPLICANT: Deerfield Meadows Homeowners Association

OWNER: James Robbins, 8546 Antlers Trail
Bob White, 8441 Antlers Trail

REQUEST: Homeowners request to donate unused portions of their property to open space for the creation of easements.

LOCATION: 8546 Antlers Trail in an R-1 District & 8441 Antlers Trail in an R-1 District

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Permanent Parcel Nos. 07-00-014-103-265 & 07-00-014-103-273

PC ACTION: Approved

President Arndt: Thank you, Dr. Norris. As mentioned we have motion on the floor by Mr. Olesen and a second by Mr. Swindig to approve the Planning Commission action on the property that was just read. We've had plenty of discussion so, at this point I will ask the Clerk to take roll.

Yes, 4 No, 2 (Buescher, Butkowski)

Council Member Buescher: Point of order, Mr. President. You may vote no even if you make the motion.

Council Member Olesen: If you second it you can vote no but, if you make the motion you have to vote yes.

President Arndt: I believe that's correct.

Clerk of Council Norris: Motion is approved by a vote of four to two.

APPLICANT: R.W. Beckett Corporation, 38251 Center Ridge Road

OWNER: Same

REQUEST: Lot split that will be landlocked and without the required frontage on a public street.

LOCATION: 37850 Taylor Industrial Parkway

Permanent Parcel No. 07-00-038-000-126

PC ACTION: Approved

moved by Swindig to approve, seconded by Olesen

President Arndt: Is there any discussion?

Council Member Swindig: Mr. Chairman, I have one on this land lock property. Is that land lock property his own?

Law Director Crites: If I may, Mr. President? This is actually one I do have insight on because I did write a memo to the Planning Commission. I spoke extensively with Beckett's counsel as well as our counsel at Squire, Sanders about this matter. It is in fact, this is on a street that was previously vacated by the City. What use to be all one Beckett, because of a good thing that's happening and that is Beckett bringing in more industry in a separate building, they split the lots in order to satisfy an underwriter, IE, a bank who wanted separate security in the new operation, separate collateral, such as a mortgage on your home. They want to, so called, mortgage that separate building. Therefore, Beckett wanted to divide the properties to satisfy the requirements of the financing. That land lock parcel is just a separate entity of the greater, being Beckett, and therefore, I thought it was a good idea and I recommended approval. The basis of the approval or reasons for it are further buttress by the fact that the underwriting lease back agreements, not to kill you too much with the legality of it, have what are called, springing easements out of it that once the deal goes through, this property will always have access to the public right-of-way to eliminate the main concerns of it being landlocked.

President Arndt: Is there any other discussion? All those in favor signify by yes. All those

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opposed by no. Any abstentions?

Yes, 6 No, 0

APPLICANT: Architects, C.A. McGettrick, Inc., 22255 Center Ridge Road #311
OWNER: Bradley Ctr. Ltd., 605 Bradley Road, Bay Village, OH 44140
REQUEST: Expansion of Center Ridge Nursing Home to add 28 Assisted Living Units
LOCATION: 38600 Center Ridge Road in a B-3 District
Permanent Parcel No. 07-00-046-107-016
PC ACTION: Approved

moved by Butkowski, seconded by Olesen to approve Planning Commission action with regard to Architects, C.A. McGettrick, Inc.

Council Member Olesen: Mr. President, I think this is a really good business. We're adding new facilities, new jobs for the community. It's a win, win situation.

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

Yes, 6 No, 0

Clerk of Council Norris:

APPLICATION: Wagler Homes of Cleveland, 3656 Massillon Road
OWNER: Same
REQUEST: Final plat approval of detached cluster site for Waterbury Stonegate Subdivision
LOCATION: Waterbury Subdivision, Chestnut Ridge Road in a PCD District
Permanent Parcel No. 07-00-036-000-072
PC ACTION: Approved

President Arndt: Before we have any discussion, I have been contacted and requested by Mr. Pat Long of Wagler Homes who is sitting in the audience tonight and requested an opportunity to have no more than three minutes to explain or give his insights on the importance of the furtherance of this piece of property. I'd like to move that we suspend our By-Laws and give Mr. Long an opportunity to speak for three minutes.

moved by Arndt, seconded by Buescher to suspend By-Laws to give Mr. Pat Long an opportunity to step forward to the podium and keep his comments to three minutes to give us some insights.

Mr. Long: Thank you, Mr. President. The reason for my request is, what we have before you is the final plat approval for Stonegate at Waterbury, a detached cluster parcel, part of the larger Waterbury Subdivision. In as much as we are coming up on the summer recess and we've already experience some fairly significant delays with this process, due to the change over between the previous City Engineer and Mr. Griffith during the engineering approval process and of course, with the terribly wet spring we've been having, it would be a pretty significant

hardship if we were to have to wait until after the summer recess, then have three readings and in essence not be able to begin to sell lots in this project until late in the year and further delay by the winter months. What we're asking for is final plat approval on a project that has already received preliminary approval by this body and Planning Commission. We recognize the need for public notification and the right for public comment on this and we're not opposed to it, however, what we would ask is that, we come before you at the July meeting, before the recess, for one last reading after which we could record. This item has been before this body once before, as I said, for preliminary approval. It was also before Planning Commission for both preliminary and final approval. There were opportunities at each of those meetings for public comment. There has been no objection to this project at any of the previous meetings. There were several adjacent residents that came to the last Planning Commission meeting to ask a few questions about what was being done here. I believe all of those were answered to their satisfaction. As a matter of fact, I met with several of the residents after the meeting to answer some of their questions privately. They indicated that they were quite happy with what we are doing once we explained the landscaping and buffering that was being put in. In light of the fact that we feel like there's already been significant opportunity for public comment on this, we have in fact, constructed exactly what this body and Planning Commission had approved at preliminary meetings. We're hoping that we can at least eliminate two of the readings and therefore, have the opportunity to gain your approval and record prior to summer recess.

President Arndt: Thank you, Mr. Long. Any questions that anybody has of Mr. Long while he's present?

Council Member Butkowski: Mr. President, in the Planning Commission report there was some question about the guest parking, if there was a sufficient amount, has that been updated and improved?

Mr. Long: Yes, we explained that at that meeting. The guest parking is provided for and shown on the construction drawings, approved by the City Engineering Department. That kind of item is not typically shown on a final plat but, it is shown and a matter of record on both the preliminary plat and the construction drawings approved by staff.

Council Member Butkowski: There were also problems with naming, Stonelake, Stonegate, Kensington Drive, Kensington Court.

Mr. Long: We met with representatives from the Fire and Police Departments this morning and addressed their concerns. We've renamed a couple of streets and they've given their full approval, as of this morning, for that. Mr. Fursdon was also at that meeting.

Council Member Butkowski: My other question is to the Engineer. Do they need a performance bond and the covenants and restrictions?

Engineer Griffith: That has been taken care of. I do want to point out one item. The plans have been approved for the entire subdivision. All they're asking for tonight is approval for phase one. Which, is approximately half of the subdivision.

President Arndt: Mr. Engineer, anything that we might be missing that we hadn't brought up, discussed or questioned?

Engineer Griffith: To my knowledge, everything is in order.

President Arndt: Any other questions by Council Members of Mr. Long? Thank you for the opportunity to learn more. Just for clarification, the PCD's are going to require a 30 day notice prior to Public Hearings. Our Assistant Clerk of Council has assured us that would be handled. Out Law Director said that, since this is not a building code, would you clarify that for all of us. Law Director Crites: The inquiry was, does this require three full readings in open Council and in my opinion it does not.

President Arndt: So, my understanding is, presuming (side one, tape one ends). . .for which we have then, should the Council decide, can move forward and approve. That is my understanding. Council Member Butkowski: What about the 30 day notice.

President Arndt: Of course, we must meet that. It can't be approved until we've had the 30 day notice. Which would mean by the second Council meeting, we would be in the position to do that, if that is Council's wish. Did I get that correctly?

Mayor Gillock: The next step will be for the Law Department to draw up the resolution or ordinance for the plat. My question is, can you schedule a hearing before that resolution has been presented to Council. You don't have anything to have a hearing on.

President Arndt: What do you think there, Law Director?

Law Director Crites: Subject to me checking on it, inasmuch as Council, at an open meeting has approved the report, I think yes.

Council Member Butkowski: I can't understand the value of a Public Hearing if we've already approved it.

President Arndt: What we're approving is simply the action of the Planning Commission.

Council Member Butkowski: We can approve that, there's not a problem with that.

President Arndt: I'm not suggesting that anything be approved without the Public Hearing. For the sake of clarification, I am not suggesting that anything gets approved without Public Hearings.

Council Member Young: Moved to call the question.

President Arndt: Do I hear a motion to approve?

 moved by Olesen, seconded by Swindig to approve the Planning Commission action of
 Wagler homes

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

 Yes, 6 No, 0

COUNCIL COMMITTEE REPORTS:

Clerk of Council Norris:

1) STREETS, SIDEWALKS & BRIDGES COMMITTEE REPORT #4242 Members of Council: We have considered the matter of permitting parking on Oak Street during daylight hours and recommend that this request be approved recommending City Council give verbal agreement to the authority of the Safety-Service Director to define width of streets for parking

purposes.

Signed: Chairperson Nancy J. Buescher and Members Bernadine Butkowski and Allen C. Swindig.

moved by Buescher, seconded by Butkowski to accept the Streets, Sidewalks & Bridges Committee Report #4242

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

Yes, 6 No, 0

2) FINANCE COMMITTEE REPORT #7243 Members of Council: We have considered the matter of the ordinance transferring various funds of the City of North Ridgeville representing reimbursement of administrative expenses of operating transfers and recommend that this request be approved and proper legislation be drawn authorizing the transfer.

Signed: Chairperson Bernadine Butkowski and Member Allen C. Swindig.

moved by Butkowski, seconded by Swindig to accept Finance Committee Report #7243

Yes, 6 No, 0

CORRESPONDENCE:

Clerk of Council Norris: Council has before them, four items of correspondence this evening:

1) Received a letter from John Borecki of his interest to purchase City lots on Dyke Avenue.

President Arndt: The Chair chooses to REFER THIS TO BUILDINGS AND LANDS COMMITTEE.

2) Received a memo from President of Council Ronald F. Arndt submitting a proposal to Council and the Administration to schedule a facilitated joint planning session for the future of North Ridgeville.

3) Received a memo from Law Director Andy Crites regarding the posting of performance bonds by developers.

4) Received an entry on rehearing before The Public Utilities Commission of Ohio in the matter of the Application of Columbia Gas of Ohio, Inc. for Authority to Amend Filed Tariffs to Increase the Rates and Charges for Gas Service.

In the Matter of the Application of Columbia Gas of Ohio, Inc. to establish the Columbia Customer Choice Program.

In the Matter of the Regulation of the Purchased Gas Adjustment Clause Contained Within the Rate Schedules of Columbia Gas of Ohio, Inc. and Related Matters.

In the Matter of the Application of Columbia Gas of Ohio, Inc. to Revise Its Tariffs to Establish a New Gas Transfer Service.

Council Member Young: Mr. President, the Utilities Chair would request that the Law Director take a look at these things to see if there's anything we can do to formally put in our two cents for their tariff increase.

NEW BUSINESS:

Request for new D5 liquor permit transfer from Jorge Serrat, DBA McNamaras, 33135 - 45 Center Ridge Road to N & I Enterprises, Inc., 33135 - 45 Center Ridge Road.

President Arndt: Thank you, Mr. Young. New business we have another request for a liquor permit transfer. The Chair, at this point, chooses to ask Council if they have any objections to granting this transfer permit at this location and if not, the Chair will entertain a motion that we not request a hearing as stated on the application so that this permit can be sent to the state for final disposition.

moved by Young, seconded by Olesen to not request a hearing as stated on the application

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

Yes, 6 No, 0

President Arndt: We have under the second piece of new business, a suggestion to suspend our By-Laws so that the first regular Council meeting in July can be held on Tuesday, July 6, 2004 due to the closing of City Hall on Monday, July 5, in celebration of Independence Day on July 4.

moved by Young, seconded by Butkowski to suspend By-Laws to move our meeting to Tuesday, July 6 in honor of our holiday

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

AUDIENCE PARTICIPATION (Lobby):

President Arndt: We now have reached the audience participation of our meeting. Any members of our audience tonight, as the opportunity to address your Council. We request that you fill out a form, in the back of the room, because it enables us the opportunity to contact you personally should we need to do so. You are welcome and invited to approach the podium today, however, you have to state your name clearly along with your address. The lobby is now open. There being no lobby, the Chair calls for us to recess for executive session.

moved by Young, seconded by Butkowski to suspend By-Laws to move into Executive Session

President Arndt: Is there any discussion?

Council Member Swindig: Yes, Mr. Chairman, you have to state the reason.

President Arndt: The reason is, we're going to be informed or reviewed or have discussion

related to contract negotiations. Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

Executive Session from 8:32 P.M. to 8:51 P.M.

RECESS

ORDINANCES AND RESOLUTIONS:

President Arndt: The Chair calls our Council meeting back in session and requests that the Clerk read our ordinances and resolutions.

• **Ordinances & Resolutions Submittals**

Clerk of Council Norris:

T 85-2004 AN ORDINANCE REPEALING ORDINANCE NO. 3287-97, THE OHIO BUILDING OFFICIALS ASSOCIATION ONE, TWO, AND THREE FAMILY DWELLING CODE OF 1996, AND ALL AMENDMENTS THERETO.

 moved by Young, seconded by Olesen to suspend By-Laws to give T 85 its 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, 6 No, 0

Clerk of Council Norris:

T 86-2004 AN ORDINANCE ADOPTING THE 2004 RESIDENTIAL CODE OF OHIO FOR ONE-, TWO- AND THREE-FAMILY DWELLINGS.

 moved by Olesen, seconded by Young to suspend By-Laws to give T 86 its 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, 6 No, 0

Clerk of Council Norris:

T 87-2004 AN ORDINANCE AMENDING AND MAKING ADDITIONS AND DELETIONS TO ORDINANCE _____ - 2004, THE 2004 RESIDENTIAL CODE OF OHIO FOR ONE-, TWO- AND THREE-FAMILY DWELLINGS.

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

President Arndt: Is there any discussion?

Council Member Butkowski: Mr. President, do we have the ordinance number?

President Arndt: Do we have an ordinance number for this?

Mayor Gillock: We will before we adopt. It's the first ordinance.

Council Member Young: Basically, T 86. After we give T 86 an ordinance number, we can amend it before we adopt it to include the ordinance number.

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

Yes, 6 No, 0

• **First Readings**

Clerk of Council Norris:

T 80-2004 AN ORDINANCE ACCEPTING THE FINAL PLAT OF WINDSOR POINT
SUBDIVISION NO. 3
First Reading

T 81-2004 AN ORDINANCE ACCEPTING THE FINAL PLAT OF STONE CREEK
ESTATES SUBDIVISION NO. 3
First Reading

T 82-2004 AN ORDINANCE ACCEPTING THE FINAL PLAT OF VILLAS OF STONE
CREEK ESTATES SUBDIVISION NO. 2
First Reading

T 84-2004 A RESOLUTION SUPPORTING AND URGING PARENTS TO HAVE THEIR
1013-2004 CHILDREN WEAR PROTECTIVE HEAD GEAR/BIKE HELMETS WHILE
RIDING BIKES.
First Reading
moved by Swindig, seconded by Olesen to dispense with second and third
readings 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, 6 No, 0

moved by Swindig, seconded by Young to adopt

President Arndt: Is there any discussion? Yes, Mr. Olesen?

Council Member Olesen: I think the whereas's on this are pretty important. Since it's not going to be law, but it's a recommendation of this Council and I think the Whereas's should be read so the public can get these tonight. I would like this read.

President Arndt: The entire resolution?

Council Member Olesen: Just the four whereas's.

President Arndt: I will request that our Clerk read the whereas.

Clerk of Council Norris:

WHEREAS, head injury can cause trauma to the brain, causing physical, emotional, intellectual and social changes for the victim;

WHEREAS, long term effects of a head injury can place an enormous emotional and financial burden on the victim's family; and

WHEREAS, head injury is a leading cause of death and disability in children and young adults in the United States; and

WHEREAS, bicyclists may reduce their risk of head injury by wearing protective head gear/bike helmets.

President Arndt: We have completed our whereas's. Thank you.

Council Member Young: Mr. President, I move that we add the emergency clause. I understand it's just a resolution but, I say that we try and get this on the books as soon as possible. This is summer time. We're already less than two weeks from July 4 and the next thing you know the kids are going to be back in school. It would be really nice to have, the parents who are responsible in having their kids wear helmets, be able to tell those neighbor kids whose parents don't require their kids to wear helmets to be able to easily ease into that discussion as oppose to reprimanding their neighbor and having their kids who are wearing helmets, hey why is Johnny not wearing a helmet. I've already seen that occur in our neighborhood where some families have the helmets and some don't. It's nice now, this gives the families who wear the helmets the tool to encourage.

moved by Young, second by Swindig to add the emergency to resolution T 84

President Arndt: Is there any discussion? Yes. Mr. Olesen?

Council Member Olesen: I would like to thank Mr. Bowman, who is in the audience, for bringing this to our attention in Safety Committee.

President Arndt: Duly acknowledged. Thank you, Mr. Bowman. Is there any other discussion? All those in favor of adding the emergency tonight to T 84, signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

President Arndt: We also have a motion on the floor by Mr. Swindig and a second by Mr. Young to adopt tonight, T 84 with the emergency. Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 84 is adopted with the emergency and becomes permanent resolution 1013-2004.

Permanent Resolution No. 1013-2004

T 85-2004 AN ORDINANCE REPEALING ORDINANCE NO. 3287-97, THE OHIO BUILDING OFFICIALS ASSOCIATION ONE, TWO, AND THREE FAMILY DWELLING CODE OF 1996, AND ALL AMENDMENTS THERETO.

First Reading

T 86-2004 AN ORDINANCE ADOPTING THE 2004 RESIDENTIAL CODE OF OHIO
FOR ONE-, TWO- AND THREE-FAMILY DWELLINGS.
First Reading

T 87-2004 AN ORDINANCE AMENDING AND MAKING ADDITIONS AND
DELETIONS TO ORDINANCE _____ - 2004, THE 2004 RESIDENTIAL
CODE OF OHIO FOR ONE-, TWO- AND THREE-FAMILY DWELLINGS.
First Reading

OLD BUSINESS:

President Arndt: That concludes our first readings. We have no second reading and no third readings. I see no old business to be brought before Council. However, I have a question.

Council Member Young: Mr. President, I just wanted to know the status of the Oxford Court petition. That was a petition for the assessment of those individuals on Oxford Court to provide a culvert.

President Arndt: Mr. Mayor, do you recall?

Mayor Gillock: Yes, it's in the Engineer's office to determine what the cost might actually be. He's working with the Street Department because that's a box culvert, not black pipe. It's an entirely different situation. We have to determine what the cost might be before we can even proceed with any type of an assessment.

Council Member Young: That means it's expensive, doesn't it?

Mayor Gillock: It makes it very expensive.

President Arndt: Is there any other old business to be brought before Council tonight? The Chair requests that our Clerk read our upcoming meeting announcements.

UPCOMING COMMITTEE MEETING ANNOUNCEMENTS:

Clerk of Council Norris: Next Regular Council Meeting Tuesday, July 6, 2004 at 7:30 P.M. in Council Chambers.

Utilities Committee will meet Thursday, July 1, 2004 at 6:00 P.M.

Public Hearing on Tuesday, July 6, 2004 at 7:25 P.M. regarding the 2005 budget

Council Member Young: Mr. President, for those individuals on the Utilities Committee and those others that are interested. We will be discussing T 53 and basically, the issues involving the fourth amendment and making sure that our ordinance is constitutional.

Council Member Butkowski: Mr. Chairman, I would like to announce a Finance Committee

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING**

JUNE 21, 2004

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meeting this Wednesday, June 23 at 6:00 P.M. in the Conference Room. I want to invite all the Council Members and urge them to attend because we will be talking about the proposed Police Levy.

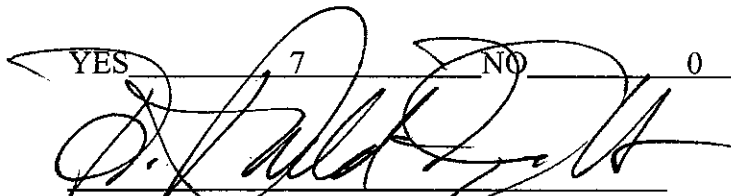
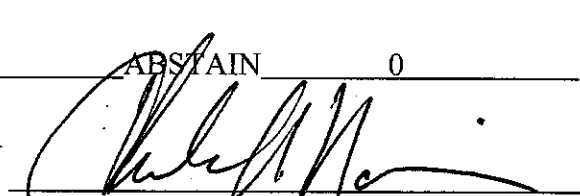
President Arndt: Thank you. Any other announcements? The Chair has one announcement and that is to alert Mrs. Butkowski as President Pro-Tem, July 19 the Chair will be on vacation and as such will be requesting her to lead our meeting. Any other issues to be brought up before Council tonight? There being none, I will entertain a motion.

ADJOURNMENT:

motion to adjourn by Swindig
President Arndt: Meeting adjourned.

Meeting adjourned at 9:07 P.M.

MOTION Butkowski 2ND Olesen DATE July 6, 2004

YES	7	NO	0	ABSTAIN	0
					
PRESIDENT OF COUNCIL DR. RONALD F. ARNDT			CLERK OF COUNCIL CHARLES A. NORRIS		