

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JUNE 20, 2005**

CALL TO ORDER: 7:30 P.M.

President of Council Pro-Tem Bernadine Butkowski: The Chair calls to order the June 20, 2005 Council meeting. Please stand for the Invocation.

INVOCATION: lead by President Pro-Tem Butkowski.

PLEDGE OF ALLEGIANCE: by all

CALLING OF THE ROLL - ROLL CALL:

Present were Council Members Allen Swindig, Richard Jaenke, Bob Olesen, Andy Young and President Pro-Tem Bernadine Butkowski. Absent was Council Member Nancy Buescher 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:

Council Minutes of regular meeting held June 6, 2005

moved by Olesen, seconded by Jaenke to approve

President Pro-Tem Butkowski: Clerk, please call the roll.

Yes, 5 No, 0

Clerk of Council Norris: Minutes are approved by a vote of five to zero.

Clerk of Council Norris: Council will also please note:

Board of Zoning and Building Appeals Minutes of regular meeting May 26, 2005 and
Tax Abatement Review Board Minutes of meeting June 6, 2005.

MAYOR AND DIRECTORS REPORTS:

President Pro-Tem Butkowski: We come to the Mayor and Director's reports. Mr. Gillock?

• **Mayor**

Mayor Gillock: Thank you, Madame President and good evening everyone. Work has begun on the east portion of the Center Ridge Road sewer project. Digging began a week ago at Evergreen. As work progresses, expect delays. The contractor will be making 32 open cuts to connect lots on the north side to the south side. Doing open cuts will allow them to complete the main part of the sewer by the end of August rather than December, although, it will require reducing traffic to one lane. In the long run, we will get the job done much sooner. Since we will be paving Center Ridge Road this year, after that is done, we think this really moves this project ahead a lot and

benefits our residents. Otherwise, they would not be able to finish that part of the sewer until December and they would have to wait until next Spring before they could do seeding and finishing. We would like to get that done as soon as we could.

The sidewalks on Chestnut have been completed. All that remains is for the contractor to finish grading and cleaning up some other punch list items.

On your agenda tonight, you will find an ordinance, T 92, that will be amended by substitution, which the Law Director will explain. This is an ordinance accepting sewer lines in Wildflower as a public utility. We would like to get this passed as soon as we can. We have a commitment to do what we can to have that road open by July 1 to accommodate the new Walgreens, which along with the two grants that were received last year, will be the generator of revenues to pay for that road project. These are all interlaced together and it is essential that we provide sewer access so this project may proceed. An alternative was to go to a manhole on Lear Nagle that was not originally offered as an alternative. At this point in time, number one, it would require additional engineering, adding costs to the project not anticipated. Two, it would require us to go through the new road, which they've already done the concrete stabilization, and three, it would be adding flow to a line that is pretty much at maximum capacity. Although, Walgreens and Attractive Flooring would not add a significant amount, so I ask that you take a close look at that this evening.

At the request of our Treasurer, Tony Hatmaker, I would ask that T 89 be passed this evening with the emergency. This is a resolution authorizing the City to apply for Community Development Block Grant Funds. The deadline for the application is July 15, so we want to get that in as soon as possible.

Lastly, I will speak a little bit on T 90. This is a resolution of support to keep the Defense Finance and Accounting Service in Cleveland. DFAS employ some twelve hundred people throughout the region including some that live in North Ridgeville. We are asking that the U. S. Department of Defense reconsider their recommendation that they made to the Base Closure and Realignment Commission that, that office be closed. That is not a done deal yet and we would like to do everything we can to help keep those jobs in Northeast Ohio.

That concludes my report. Thank you.

President Pro-Tem Butkowski: Thank you, Mr. Mayor. We now have the opportunity to hear from our Safety Service Director, Mr. Denny Johnson.

• **Safety-Service Director**

Safety-Service Director Johnson: Thank you, Madame President. Center Ridge repaving will begin on July 5th at our eastern border with Westlake and end near the intersection of Center Ridge and Avon Belden. Paving will resume at Race Road and continue to the western border

with Elyria. I might add, that we are working with the railroad to get the tracks fixed at the western border also. They have indicated that they will consider the rubberized tracks and that would be a major improvement up there. The section between Race road and Avon Belden will be paved following the sewer installation on Center Ridge. Paving of the intersection of Avon Belden and Center Ridge will be completed when Avon Belden is done next year. Some traffic delays can be expected with both this project and the sewer installation. Please be careful when traveling through these or any other construction area.

Speaking of traffic delays, our contractor on the Center Ridge sewer project had the road fully closed for a short time this afternoon during the rush hour. This is not the plan we discussed with them and it will be addressed first thing in the morning.

We've completed smoke testing in the Behm, Aurensen, Noll area. The test went well and identified several infiltration issues that will be corrected in the weeks ahead. This testing will help us save taxpayer funds we currently spend to unnecessarily treat ground and rain water. The tests will also help us locate and repair potential sewer backups into residents homes. Resident will be notified before tests in their neighborhood. Instructions and explanation are included in that notification.

And finally, last week I sent a letter to all area newspapers indicating that newspapers should be delivered to porches or tubes designed for the purpose. Currently, many newspaper are thrown from a moving vehicle and end up on driveway aprons, tree lawns, ditches and catch basins, even though many residents have tubes for the purpose. While all newspapers indicated they understand the motive, the Chronicle Telegram responded to my letter by citing court cases they claim allows this practice.

We are investigating the claims of the Chronicle Telegram and will not seek enforcement until that investigation is complete. However, I encourage residents to contact the newspapers if they are not satisfied with their newspaper delivery. For those resident that do not have a paper tube attached to their mailbox, the newspaper can install a free standing tube. We will continue working with the papers to insure delivery is done as neatly as possible.

That concludes my report.

President Pro-Tem Butkowski: Thank you, Mr. Johnson. We now have the opportunity to hear from our Engineer, Mr. Griffith.

• **Engineer**

Engineer Griffith: Be water smart when watering lawns and gardens. With the arrival of summer, it is time to focus on water conservation and prudent water practices. Taking a few small steps in watering the lawn and garden can make a big difference when it comes to conserving our water supply and reducing the impact to our storm water management program. The following are recommended tips:

Minimize evaporation by watering during the early morning hours, when temperatures are cooler and winds are lighter. Don't water your lawn on windy days.

Use a layer of organic mulch around plants to reduce evaporation and save hundreds of gallons of water a year.

Divide your watering time into short time periods to reduce runoff and allow for better absorption every time you water.

Only water your lawn when needed. You can tell this by simply walking across your lawn. If you leave footprints, it's time to water.

Adjust your lawn mower to a higher cut setting. Longer grass shades the root system and holds soil moisture better than a closely clipped lawn.

Use sprinklers that throw big drops of water close to the ground. Smaller drops of water and mist often evaporate before they hit the ground.

When watering grass on steep slopes, use a soaker hose to prevent wasteful runoff.

Remember to weed your lawn and garden regularly. Weeds compete with other plants for nutrients, light, and water.

If you have an automated sprinkler system timers, set it to start and run between 3 am and 6 am.

Watering this early helps reduce the water system demand during peak periods and results in deeper watering that is better for the lawn and better for sprinkler system performance.

Install a rain shut-off device on your automatic sprinklers to eliminate unnecessary watering.

Check your sprinkler system frequently and adjust sprinklers so that you are only watering your lawn and not the house, sidewalk, or street. Your house, sidewalk and driveway don't need water. Also check your sprinkler system valves periodically for leaks and keep the heads in good shape.

Teach your family how to shut off your automatic watering systems. Turn sprinklers off if the system is malfunctioning or when a storm is approaching.

In conclusion, please be water smart when watering your lawn and garden.

Thank you Mr. President. That concludes my report this evening.

President Pro-Tem Butkowski: Thank you, Mr. Griffith. Mr. Costin, our Auditor.

• **Auditor**

Auditor Chris Costin: Yes, Madame Chairman. I have two items of financial business this evening. The first of which is the May 31, 2005 monthly report, which has been distributed to Council.

Auditor's Written Financial Report for May 2005

moved by Swindig, seconded by Jaenke to accept the financial report

President Pro-Tem Butkowski: Clerk, please call the roll.

Yes, 5 No, 0

Clerk of Council Norris: Report is accepted by a vote of five to zero.

Auditor Chris Costin: The second item is T 88-2005. It is an amended appropriation ordinance.

I would request if Council would kindly pass that with the emergency. It includes, primarily, the reflection of certain contractor contributions that we received to fix roads, which we are now in the process of doing and a Park and Rec improvement expenditure to buy certain property that was previously passed by Council. The larger numbers are debt service reclassifications related to roll over notes. They are simply reflecting BAN's that are already outstanding, particularly, our sewers that are going to roll over in December and felt we should put everything in place at the same time. I request that be passed tonight with the emergency. If you do proceed to have a first reading, I will be pleased to read this in it's entirety. I'd be glad to do that. That concludes my report and comments. Thank you.

President Pro-Tem Butkowski: Thank you, Mr. Costin. Clerk, could you please read our other reports.

• **Other Reports**

Clerk of Council Norris: Council will also please note the:

Fire Department Report for May 2005 and

Mayor's Court Operating Trust Fund/Court Bail Trust Fund Report for May 2005.

Planning Commission Report & Addendum of regular meeting June 14, 2005:

APPLICANT: Drees Homes, 6650 W. Snowville Road, Suite J, Brecksville, Ohio 44141

OWNER: Donald J. & Patricia K. Pitts, 36570 Center Ridge Road

REQUEST: Preliminary Plan Approval for Ridge Estates Subdivision

LOCATION: Vacant land on Bainbridge Road in an R-1 District

Permanent Parcel No. 07-00-016-104-139 and 07-00-016-104-141

PC ACTION: Approved by a vote of four to zero

moved by Jaenke, seconded by Olesen to approve

President Pro-Tem Butkowski: Is there any discussion? Clerk, please call the roll.

Yes, 5 No, 0

Clerk of Council Norris: Report is approved by a vote of five to zero.

APPLICANT: Joseph Scaletta, 100 Mills Ltd., 35290 Detroit Road, Avon, Ohio 44011

OWNER: Avenbury, LLC, 35290 Detroit Road, Avon, Ohio 44011

REQUEST: Approval to construct a retail center

LOCATION: 100 Mills Road in a B-1 District

Permanent Parcel No. 07-00-030-000-055

PC ACTION: Approved by a vote of four to zero

moved by Jaenke, seconded by Olesen to approve

President Pro-Tem Butkowski: Is there any discussion? Clerk, please call the roll.

Yes, 5 No, 0

Clerk of Council Norris: Report is approved by a vote of five to zero.

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APPLICANT: Joseph Scaletta, SDC Office, Ltd., 35290 Detroit Road, Avon, Ohio 44011
OWNER: Avenbury, LLC, 35290 Detroit Road, Avon, Ohio 44011
REQUEST: Approval to construct an office building
LOCATION: 100 Mills Road in a B-1 District
Permanent Parcel No. 07-00-030-000-055

PC ACTION: Approved by a vote of four to zero
moved by Jaenke, seconded by Olesen to approve

President Pro-Tem Butkowski: Is there any discussion?

Council Member Swindig: Madame Chairman, on these two pieces of property, I would hope that somewhere in the procedure here, we get a traffic study out of this for that property, because we do have a development that is going in behind that. I think that is a very dangerous intersection.

President Pro-Tem Butkowski: Is there any other discussion? Clerk, please call the roll.
Yes, 5 No, 0

Clerk of Council Norris: Report is approved by a vote of five to zero.

APPLICANT: James A. Yorks, Agent, Barking Barbers, 7525 Leavitt Road, Amherst, Ohio 44001

OWNER: Ken & Lana Karnow, 52435 Darrow Road, Vermilion, Ohio 44089

REQUEST: Approval to make alterations and site improvements for a change of use for the Barking Barber Pet Grooming Facility

LOCATION: 36712 Center Ridge Road in a B-5 District
Permanent Parcel No. 07-00-028-101-031

PC ACTION: Approved by a vote of four to zero with the condition to place parking further back or to the side

moved by Jaenke, seconded by Olesen to approve

President Pro-Tem Butkowski: Is there any discussion? One of the things I wanted to say was that this is the first business that is opening within a B-5 District. There was a lot of discussion about this at the Planning Commission meeting and we hope that this will be a beginning for that following the B-5, which is a special zoning to keep everything in a more western reserve for the center of town. So, this is just the beginning of things to come, hopefully. Clerk, please call the roll.

Yes, 5 No, 0

Clerk of Council Norris: Report is approved by a vote of five to zero.

APPLICANT: Nancy K. Lohrer, Northview Properties, 6873 Avon Belden Road

OWNER: Wayne F Diederich & Nancy K. Lohrer, 6873 Avon Belden Road

REQUEST: Review and input to construct additional parking and driveway

LOCATION: 34960 Center Ridge Road in a B-3 District
Permanent Parcel No. 07-00-016-101-022

PC ACTION: Approved Plan B by a vote of four to zero
moved by Jaenke, seconded by Olesen to approve

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President Pro-Tem Butkowski: Is there any discussion? Clerk, please call the roll.

Yes, 5 No, 0

Clerk of Council Norris: Report is approved by a vote of five to zero.

APPLICANT: Speedway Super America, LLC., JGD Associates, Inc., 92 Moore Road,
Avon Lake, Ohio 44012
OWNER: Speedway Super America, LLC, 500 Speedway Drive, Enon, Ohio 45323
REQUEST: Approval to construct an addition to be used as a walk-in cooler
LOCATION: 32760 Lorain Road in a B-4 District
 Permanent Parcel No. 07-00-003-101-006
PC ACTION: Approved by a vote of four to zero

 moved by Jaenke, seconded by Olesen to approve

President Pro-Tem Butkowski: Is there any discussion?

Council Member Jaenke: Madame President, there was one item that the Mayor brought up, which we need to include in this evening's application and that is that there was an agreement some time ago that Speedway install generators in the event that there is a power failure, so they can still provide gasoline. Speedway people did agree that they would entertain that and will review what was agreed to before and take action.

Safety-Service Director Johnson: Madame President, I have been in contact with the representative from JDD Associates, since the Planning Commission meeting and we are in the process of getting back up generators at both stations. I'm confident we'll get them.

President Pro-Tem Butkowski: Do you think we need an amendment to this or is it all right to let it go.

Safety-Service Director Johnson: I don't think the two issues relate, that well, to need an amendment because it does involve both stations and its an agreement with the City under contract to buy the gas.

President Pro-Tem Butkowski: So, it is already covered under that contract. Are there any other questions? Clerk, please call the roll.

Yes, 5 No, 0

Clerk of Council Norris: Report is approved by a vote of five to zero.

APPLICANT: Pulte Homes of Ohio, LLC, 30575 Bainbridge Road, #200, Solon Ohio
44139
OWNER: Same
REQUEST: Approval to construct a recreational and sales model and parking lot in
Pioneer Ridge Subdivision No. 2 within Waterbury PCD
LOCATION: Frontage along Bender Road and adjacent to Phase I of Pioneer Ridge by
Del Webb
 Permanent Parcel No. 07-00-037-000-109
PC ACTION: Approved by a vote of four to zero

 moved by Jaenke, seconded by Olesen to approve

President Pro-Tem Butkowski: Is there any discussion? Clerk, please call the roll.

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Yes, 5 No, 0

Clerk of Council Norris: Report is approved by a vote of five to zero.

APPLICANT: All American Sports Center, LLC, 37500 Center Ridge
OWNER: FJD Properties, LLC, 37000 Center Ridge
REQUEST: Approval to construct a 41 foot by 64 foot outdoor pavilion
LOCATION: 37500 Center Ridge Road in a B-2 District
Permanent Parcel No. 07-00-033-000-031
PC ACTION: Approved by a vote of four to zero

moved by Jaenke, seconded by Olesen to approve

President Pro-Tem Butkowski: Is there any discussion? Clerk, please call the roll.

Yes, 5 No, 0

Clerk of Council Norris: Report is approved by a vote of five to zero.

APPLICANT: Jozef Burda, Joe's Motor Sport, 34626 Center Ridge Road
OWNER: Same
REQUEST: Approval to construct a dust free parking surface to existing parking lot;
approval to construct a new dust free parking area and approval to
construct a storm water management system
LOCATION: 34626 Center Ridge Road in a B-3 District
Permanent Parcel No. 07-00-016-101-007
PC ACTION: Approved by a vote of three to one

moved by Jaenke, seconded by Olesen to approve

President Pro-Tem Butkowski: Is there any discussion? Mr. Griffith, I have a question on this one. A comment was made that he was going to use tar and chip, but don't we require blacktop?

Engineer Griffith: The code says, bituminous asphalt surface or other dust free. Now, tar and chip is bituminous and it can be dust free, but it also can disintegrate very easily. Once it disintegrates, it's no longer dust free and at that time, they will be in violation.

President Pro-Tem Butkowski: So, would he be able to tar and chip?

Engineer Griffith: In my opinion, tar and chipping meets the letter of the ordinance. Does it meet the intent? That, I don't know. Maybe, you would need to refer that one to the Law Director.

Law Director: I agree with you. I'm taking your word for what the ordinance says and if it says or any dust free product and if it no longer is dust free, then are we ending up in a situation where we are citing them. Or because of the fact that eventually it will not be dust free, doesn't mean that it is not a dust free product. That is subject to our interpretation.

Council Member Jaenke: Madame President, Maybe, I can shed some light as I was at the meeting. First off, this property is for sale and as we all know, we have had series of complaints regarding unlicensed vehicles, clean up, etcetera, etcetera. The request that they are making is in an area that would provide some turn around for their equipment and their trucks, rather than using just the dirt they have behind the building currently. So, I think the feeling of Planning Commission was that this would be an improvement. Although, a temporary improvement, it is better than what they have there today. Considering, the property is for sale and being on Center

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Ridge Road, that property could very well be sold and the building and homes would be tore down, and perhaps a better structure would be there.

President Pro-Tem Butkowski: Is there any other discussion? Clerk, please call the roll.

Yes, 5 No, 0

Clerk of Council Norris: Report is approved by a vote of five to zero.

APPLICANT: Oster Construction, Inc., 6150 Park Square, Lorain, Ohio 44053
OWNER: Same
REQUEST: Preliminary plan approval for Bagley Road Subdivision
LOCATION: 33000-33200 Bagley Road in an R-1 District
 Permanent Parcel No. 07-00-011-102-011
PC ACTION: Approved by a vote of four to zero with the condition that a traffic study
 be provided by the developer and the related results be also provided by
 the developer

 moved by Jaenke, seconded by Olesen to approve

President Pro-Tem Butkowski: Is there any discussion?

Council Member Jaenke: There was one other item that was a requirement based on the approval from the Planning Commission. That was a buffering or mounding system along Bagley Road. We talked a lot about the condition we currently have on Root Road between Chestnut and Lorain. If you are driving down Root Road and you're looking at the back of the houses that are currently on Root Road, you see a series of different fences, gym sets, storage buildings, you see a hodge-podge. So, the feeling of Planning Commission was that down Bagley, there should be sufficient mounding; not three feet, but higher than that, to provide some privacy for the property owners that would be living there and also the people that would be driving down Bagley. So, they don't have to look at the back of houses and hodge-podge of back yards. That was another condition that was not listed here.

 moved by Jaenke, seconded by Olesen to amend the motion that a buffer be added that is more than three feet high on Bagley Road.

President Pro-Tem Butkowski: Is there any discussion on the amendment? Please call the roll for the amendment.

Yes, 5 No, 0

Clerk of Council Norris: Amendment is approved by a vote of five to zero.

President Pro-Tem Butkowski: Is there any further discussion on the original approval? Now, we will be voting on the original approval including the amendment. Please call the roll.

Yes, 5 No, 0

Clerk of Council Norris: Planning Commission Action is approved as amended.

APPLICANT: Valore Properties, Inc., 23550 Center Ridge Road, Westlake, OH 44145
OWNER: Valore Properties, Inc., 23550 Center Ridge Road, Westlake, OH 44145
 and Rini Realty Co., 19050 Lorain Road, Fairview Park, OH 44126
REQUEST: Change in zoning classification from R-1 and B-3 Districts to I-2 District.
LOCATION: South side of Rini Plaza and Providence Square 37501 Center Ridge Road

in an R-1 and B-3 District

Permanent Parcel No. 07-00-016-112-045 and part of parcel 07-00-016-112-027

PC ACTION: Approved to include all of parcel 07-00-016-112-027 by a vote of four to zero

 moved by Jaenke, seconded by Olesen to approve

President Pro-Tem Butkowski: Is there any discussion?

Council Member Olesen: Madame President, this has been a real hot topic and I fully realize the divergence of opinion on Council alone, the Mayor's office and all parties concerned. I heard there were calls coming in last week from people who were against this project. So, I elected to go down to the residents, this Friday and Saturday and talk to as many people as I can. The results of my discussions with those individuals is that the majority of the individuals want the storage sheds. They want the storage sheds because it's a lesser evil then the R-1 that was disapproved. Only because, they save more trees and they don't have a road going through the back of their properties. I fully recognize at this point in time, that there are other factors here, that we can't expect the residents to make a decision on. One of those is that if we rezone this property, Industrial, what happens in five years if these storage sheds don't make it. These are items I think Council has to take into consideration. However, at this point, I would have to go along with the residents. They have concerns about flooding. They have concerns about lighting on the storage sheds, but for the most part, they've selected that option over more houses. With that in mind, I would like this approved tonight. I'm sure this will need to be referred to Buildings and Lands eventually, because Council will have to pass the zoning change. When this is done, we can all provide our input along with those residents about problems that we might foresee with this zoning.

Council Member Swindig: Madame President, I don't like the Industrial zoning in that area and I'll have to vote against Planning Commission's recommendation on that. I do not care for going from R-1 and B-3 into Industrial. I would rather see him get a conditional use from the Board of Zoning and Building Appeals.

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

Council Member Young: Madame President. I would like to echo the sentiments of my colleague over there, Mr. Swindig. If there is another way we could go about doing this because who is to say that if the storage sheds don't keep going as an on going concern, who is to say that they will level them and put some monstrosity there instead. I like the idea of a conditional use. In addition to that, it almost seems like the cart was put before the horse in this particular situation. Generally, yes Planning Commission does have a say so on an approval with regard to rezoning, but rezoning also has to go before the Buildings and Lands Committee and before Council as well. It would have been nice to have had an opportunity to review over this before Planning Commission, since we are ultimately the final stop and the say so. Thank you.

Mayor Gillock: Madame President, I think just for point of clarification. I don't believe they could do this through conditional use in a B-3. This used to be allowed within a business zone. When a couple did get built on Center Ridge Road, we changed the ordinance to require that mini storage buildings be built within an I-2. I don't believe that they are allowed as a

APPLICANT: Barb Jackson, 7358 Grant Drive
OWNER: Brian Wilson, 5597 Lear Nagle

REQUEST: Approval to vacate a portion of Roosevelt Avenue
LOCATION: A portion of Roosevelt Avenue between Rose Street and Frances Street in
an R-1 District
PC ACTION: Approved by a vote of four to zero
moved by Jaenke, seconded by Olesen to approve
President Pro-Tem Butkowski: Is there any discussion? Clerk, please call the roll.
Yes, 5 No, 0
Clerk of Council Norris: Planning Commission action is approved by a vote of five to zero.

President Pro-Tem Butkowski: We move onto Council Committee Reports

COUNCIL COMMITTEE REPORTS:

President Pro-Tem Butkowski: I have an oral report tonight from the Finance Committee Meeting of June 15th. We had a meeting and we approved the purchase of the online computer billing program from the Shamrock Company Incorporated for the approximate costs of seven thousand dollars and this was approved at the Finance Meeting.

moved by Butkowski, seconded by Young to approve this report

Council Member Young: Madame President, this is from the Utilities Department, is that correct?

President Pro-Tem Butkowski: Yes, this is the one that the Utilities Committee approved.

Council Member Young: So in addition to the Utilities Committee approving this, the Finance Committee approved this as it is a good program. We did review over this with the company that is going to be helping supply this program and it should bring in additional assets and also make our Utilities department more efficient. So, I am definitely in favor of this.

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

Auditor Costin: Madame Chairman, I was also going to indicate that this was discussed at appropriations and that seven thousand dollars has already been appropriated.

President Pro-Tem Butkowski: Is there any other discussion? Clerk, please call the roll.

Yes, 5 No, 0

Clerk of Council Norris: Report is accepted by a vote of five to zero.

President Pro-Tem Butkowski: We'll move onto Correspondence. Please read the correspondence.

CORRESPONDENCE:

Clerk of Council Norris: There are four items of Correspondence before Council this evening:

- 1) Received a letter from Mayor Gillock in regard to a connection road to the State Route 83 access road and submitting a letter from Kenneth Wright, P.E., Planning and Programs Administrator for ODOT, explaining the limited access right-of-way from Butternut Ridge Road to Chestnut Ridge Road.

- 2) Received a letter from Brad Prescott, President of FM Publishing, Inc., Parent Company of Lorain County Exchange, inviting Council Members to visit a free community web site recently launched by his company.
- 3) Received a news release from Mayor Gillock announcing a combined meeting of the North Ridgeville City Administration and the North Ridgeville City Schools on June 28, 2005 at 5:00 P.M. at the North Ridgeville Library to discuss opportunities to work together to increase revenue without impacting residents.
- 4) Received a letter from Joanne Eldridge, Assistant Director of the Lorain Public Library System, submitting its 5th annual report of expenditures from the 1.4647 mill operating levy for the North Ridgeville Branch Library, which was approved by voters as a new levy in November 1999.

President Pro-Tem Butkowski: Thank you, we now move onto New Business.

NEW BUSINESS:

Clerk of Council Norris: There is no New Business before Council so, next is Audience Participation

AUDIENCE PARTICIPATION (Lobby):

President Pro-Tem Butkowski: If you are going to speak tonight, please fill out the form in the back of the room so we will be able to contact you if it's necessary. Come up to the podium, and the microphone at the side of the room. You will have three minutes to speak. Is there anyone who wishes to speak tonight.

- 1) Cheryl Sotherland, 36815 Chestnut Ridge spoke her concerns as they relate to the residents and their rights concerning the proposed rezoning by Community Health Partners.
- 2) Roy Cook, 36745 Chestnut Ridge spoke his concerns as they relate to the drainage regarding the proposed rezoning by Community Health Partners, which is directly adjacent to his property. He also asked for answers on possible buffering in that area.
President Pro-Tem Butkowski: Mayor Gillock did you want to respond or would you rather wait until after the meeting to discuss this with Mr. Cook.
Mayor Gillock: I can kind of respond in general terms because right now all we are talking about is the rezoning. We haven't seen specific plans as to where the foot print of the building might specifically be or where access roads will go. We have checked and we can not do a direct access up to the access road on 83. We can assure you that any drainage there will be properly dealt with as we can not cause flooding on your property. Maybe, they'll have to put a culvert in, but this is something that the Engineer is responsible for making sure that the drainage is maintained. If it is rezoned to B3, there is a buffer requirement between a B3 and R1 according to our codes. These are things that we have to look at when they come in with specific plans.

They are looking at adding to access points. However, these are all items we will look at when the plans come in, but from a general stand point, this is where they are all at.

President Pro-Tem Butkowski: Thank you, is there anyone else who would like to speak tonight?

3) Dennis Boose, 6405 Denise Drive commended Planning Commission Members and suggested that the City consider having more than one Planning Commission meeting per month. Mayor Gillock: I would certainly like to second Mr. Boose's comments about the efforts of the Planning Commission. I thought they did a terrific job the other evening. We did have several calls and complaints about the meeting going so late. This meeting went until 11:30 PM. That is highly unusual. Since I've been Mayor, this is first meeting that went beyond their self imposed deadline of 10 O'clock. If it started to become something routine, we would certainly take a look at it. I don't think that's the norm, but we will be watching it.

President Pro-Tem Butkowski: Thank you. Is there anyone else that would like to speak tonight?
No response.

moved by Young, seconded by Jaenke to dispense with recess
President Pro-Tem Butkowski: Please call the roll.

Yes, 5 No, 0

Clerk of Council Norris: There will be no Council recess.

President Pro-Tem Butkowski: We will move onto Ordinances and Resolutions.

ORDINANCES AND RESOLUTIONS:

• **Ordinances & Resolution Submittals**

T 88-2005 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 4127-2005 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2005 AND ENDING DECEMBER 31, 2005.

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

President Pro-Tem Butkowski: Is there any discussion? Please call the roll.

Yes, 5 No, 0

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

T 89-2005 A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO APPLY TO THE OHIO DEPARTMENT OF DEVELOPMENT FOR FUNDING UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT SMALL CITIES PROGRAM FOR FISCAL YEAR 2005.

moved by Swindig, seconded by Young to suspend By-Laws to give T 89 its first reading

President Pro-Tem Butkowski: Is there any discussion? Please call the roll.

Yes, 5 No, 0

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

T 90-2005 A RESOLUTION URGING THE UNITED STATES BASE CLOSURE AND REALIGNMENT COMMISSION TO RETAIN 1,028 IMPORTANT FEDERAL DEFENSE JOBS AT THE DEFENSE FINANCE AND ACCOUNTING SERVICE IN DOWNTOWN CLEVELAND AND SUPPORTING AND ENCOURAGING THE CLEVELAND DEFENSE INDUSTRY ALLIANCE AND THE GREATER CLEVELAND PARTNER-SHIP IN THEIR ADVOCACY EFFORTS TO PROTECT THE REGION'S ECONOMIC VITALITY BY APPEALING THE RECOMMENDATION OF THE UNITED STATES DEPARTMENT OF DEFENSE TO REALIGN THESE JOBS TO OTHER CITIES AND ENCOURAGING THEIR RETENTION; AND FURTHER COMMITTING COUNCIL'S SUPPORT AND ASSISTANCE IN THIS UNDERTAKING.

 moved by Swindig, seconded by Young to give T 90 its first reading tonight

President Pro-Tem Butkowski: Is there any discussion? Mr. Swindig?

Council Member Swindig: We have some residents in North Ridgeville that do work down there and it will be a lost to our income tax.

President Pro-Tem Butkowski: Thank you, mr. Swindig. Is there any other discussion? Clerk, please call the roll.

 Yes, 5 No, 0

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

T 91-2005 AN ORDINANCE ACCEPTING DETENTION BASINS IN CHESTNUT GROVE SUBDIVISIONS NO. 1 AND 2.

President Pro-Tem Butkowski: REFERRED TO THE UTILITIES COMMITTEE.

Clerk of Council Norris:

T 92-2005 AN ORDINANCE ACCEPTING THE SEWER LINES IN THE WILDFLOWER CONDOMINIUMS AS A PUBLIC UTILITY, INCLUDING A 10-FOOT EASEMENT ON EITHER SIDE OF THE SEWER LINES (20-FEET TOTAL).

 moved by Swindig, seconded by Young to amend by substitution with the one distributed tonight

President Pro-Tem Butkowski: Is there any discussion? Mr. Crites, do you want to tell us what was changed in this one.

Law Director Crites: Sure, I'll try and lay out the whole scenario on what's going on. The substitution will help me illustrate what is before you, in general. By substituting, your adding a section which repeals an earlier passed, it says resolution, it actually was an ordinance, we should amend that as well, which accepted approximately 25 percent of the sewer lines of Wildflower Condominiums on the north side of Center Ridge Road. These sewer lines, the reason they were accepted as a public utility is because it was required or actually, the chosen path, of the sanitary sewer to service the new commercial development which will accompany the extension of Lear Road. As the Mayor insinuated earlier, it's that extension and that improvement to the City, what's known as a TIFF project, is actually going to be paid for by the commercial development

that is there, through their property taxes. The City didn't pay to build that road. We borrowed the money, but it will be paid by that commercial development. It was the original intention that we were only going to accept the portion needed to service the development that would be on the new extension of Lear Road. However, unfortunately, for reasons that, we guess we understand, when we went to Wildflower Condominiums to actually have them execute the requisite documents and easements therein, it was the Homeowners Association of Wildflower which balked on, for a lack of better description, of dedicating just a portion. They wanted the City to accept their entire sanitary sewer system. It was basically a judgement call, with the help of the Engineering Department, of course, and the administration that, that was the lesser of two evils rather than try to freeze this project and/or try and have me appropriate this interest through imminent domain to serve the development. So, what the ordinance that stands before you now, the difference therein is accepting the entire sanitary sewer system of the Wildflower Condominium area, development, rather than a portion therein. If there's any questions as to whether or not, the other, I guess there's some issues as to whether or not there were other paths, I heard recently, I would defer those to Mr. Griffith. I will confirm that there was never any discussion about another alternative access to the sanitary sewer early on, it only came up recently, from a legal background, my knowledge is limited, but, I can tell you right now in dealing with private developers as long as I have on this project, to have them reroute, as the Mayor insinuated now, would be quite costly and time consuming and would certainly create some problems.

President Pro-Tem Butkowski: This was a resolution, not an ordinance.

Law Director Crites: I stand corrected.

President Pro-Tem Butkowski: As stated in the new ordinance. Is there any discussion on this? Any questions? We'll be voting on the substitution. Motion was made by Swindig and seconded by Young. Is there any further discussion on this? Call the roll for the substitution.

Yes, 5 No, 0

Clerk of Council Norris: Motion is approved by five to zero.

moved by Swindig, seconded by Jaenke to suspend By-Laws to give this its first reading tonight

President Pro-Tem Butkowski: Is there any discussion?

Council Member Swindig: I have one question, do we have to amend changing the resolution in the title and in section two to an ordinance?

President Pro-Tem Butkowski: No, it was a resolution. By that number it would be a resolution. Ordinances are up in the four thousand. Is there any other discussion? Clerk please call the roll.

Yes, 5 No, 0

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

- **First Readings**
T 87-2005 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: VACANT PROPERTY ON CHESTNUT RIDGE ROAD KNOWN AS PERMANENT PARCELS NUMBER 07-00-036-000-050 AND 07-00-025-106-061 AND PROPERTY LOCATED AT 36721 CHESTNUT RIDGE ROAD KNOWN AS PERMANENT PARCEL NUMBER 07-00-025-106-007 (AS SHOWN BY LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE DISTRICT TO B-3 HIGHWAY COMMERCIAL DISTRICT AND OWNED BY COMMUNITY HEALTH PARTNERS PHYSICIANS, INC.
First Reading

T 88-2005 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 4127-
4160-2005 2005 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD
COMMENCING JANUARY 1, 2005 AND ENDING DECEMBER 31, 2005.

First Reading In Full

President Pro-Tem Butkowski: Yes, My Swindig?

Council Member Swindig: May I have this read in its entirety, please.

President Pro-Tem Butkowski: Yes, you can. Mr. Costin.

Auditor Costin: Yes, I'll be glad to do that. There's a long standing ordinance that's been past procedure that appropriation ordinances, before passage, be read in their entirety and I'll be glad to do that, this is a particularly short one.

T 88-2005 was read in full by Auditor Costin.

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

President Pro-Tem Butkowski: Is there any discussion? Clerk, please call the roll. .

Yes, 5 No, 0

Clerk of Council Norris: Motion is approved five to zero.

moved by Swindig, second by Olesen to adopt

President Arndt: Is there any discussion on the adoption?

moved by Swindig, seconded by Olesen to amend by adding the emergency so we can continue on with projects

President Pro-Tem Butkowski: Is there any discussion on the emergency? Please call the roll on the emergency.

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion was made by Swindig and seconded by Olesen to adopt with the emergency? Any discussion? Please call the roll.

Yes, 5 No, 0

Clerk of Council Norris: T 88 is adopted with the emergency and becomes permanent ordinance 4160-2005.

Permanent Ordinance No. 4160-2005

T 89-2005 A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF NORTH
1044-2005 RIDGEVILLE, OHIO, TO APPLY TO THE OHIO DEPARTMENT OF
DEVELOPMENT FOR FUNDING UNDER THE COMMUNITY

**DEVELOPMENT BLOCK GRANT SMALL CITIES PROGRAM FOR FISCAL
YEAR 2005.**

First Reading

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

President Pro-Tem Butkowski: Is there any discussion? Please call the roll.

Yes, 5 No, 0

moved by Young, seconded by Swindig

moved by Young, seconded by Swindig to add the emergency due to the reason of
the time to apply for the funds because the funds are necessary to provide
sidewalks that provide safety for our City and our residents

President Pro-Tem Butkowski: Is there any discussion on the emergency? Please call the roll
for the emergency.

Yes, 5 No, 0

Clerk of Council Norris: Emergency is approved by a vote of five to zero.

President Pro-Tem Butkowski: A motion was made by Young and seconded by Swindig to
adopt with the emergency. Is there any discussion? Please call the roll.

Yes, 5 No, 0

Clerk of Council Norris: T 89 is adopted with the emergency and becomes permanent resolution
1044-2005.

T 90-2005 A RESOLUTION URGING THE UNITED STATES BASE CLOSURE AND
1045-2005 REALIGNMENT COMMISSION TO RETAIN 1,028 IMPORTANT FEDERAL
DEFENSE JOBS AT THE DEFENSE FINANCE AND ACCOUNTING
SERVICE IN DOWNTOWN CLEVELAND AND SUPPORTING AND
ENCOURAGING THE CLEVELAND DEFENSE INDUSTRY ALLIANCE
AND THE GREATER CLEVELAND PARTNER-SHIP IN THEIR
ADVOCACY EFFORTS TO PROTECT THE REGION'S ECONOMIC
VITALITY BY APPEALING THE RECOMMENDATION OF THE UNITED
STATES DEPARTMENT OF DEFENSE TO REALIGN THESE JOBS TO
OTHER CITIES AND ENCOURAGING THEIR RETENTION; AND
FURTHER COMMITTING COUNCIL'S SUPPORT AND ASSISTANCE IN
THIS UNDERTAKING.

First Reading

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

President Pro-Tem Butkowski: Is there any discussion? Please, call the roll.

Yes, 5 No, 0

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

moved by Swindig, seconded by Young to adopt

moved by Swindig, seconded by Young to add the emergency due to the losing of
jobs in our area

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Yes, 7 No, 0

Yes, 5 No, 0

Yes, 5 No, 0

Yes, 5 No, 0

Yes, 5 No, 0

T 80-2005 AN ORDINANCE AMENDING ORDINANCE 4050-2004 TO ALLOW FOR

STORAGE SHEDS AND SIMILAR SMALL STRUCTURES ON
RESIDENTIAL PROPERTY.

Second Reading

• **Third Readings**

T 68-2005 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED
4162-2005 ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO KNOWN AS
THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING
LAND: PROPERTY LOCATED AT 38891 CENTER RIDGE ROAD,
PERMANENT PARCEL NUMBERS 07-00-046-108-017, 07-00-046-108-018,
07-00-046-108-030, 07-00-046-108-034, 07-00-046-108-043, 07-00-046-108-
044, 07-00-046-108-046 AND 07-00-046-108-047 (AS SHOWN BY LEGAL
DESCRIPTION BELOW); FROM B-2 CENTRAL BUSINESS DISTRICT AND
I-2 LIGHT INDUSTRIAL DISTRICT TO B-3 HIGHWAY COMMERCIAL
DISTRICT AND OWNED BY SPARKY DEVELOPMENT, LTD.

Third Reading

moved by Young, seconded by Swindig to adopt

President Pro-Tem Butkowski: Is there any questions or discussion? Please, call the roll.

Yes, 5

No, 0

Clerk of Council Norris: T 68 is adopted and becomes permanent ordinance 4162-2005.

Permanent Ordinance No. 4162-2005

President Pro-Tem Butkowski: The Ridgeview Shopping Center has been rezoned. We now go into Old Business that was put on hold because we had not had public hearings for these. They were postponed at the last meeting. We will continue on to give them their third reading. Please read T 62.

OLD BUSINESS:

Clerk of Council Norris: Under old business tonight, we have:

T 62-3005 AN ORDINANCE APPROVING THE FINAL PLAT OF PIONEER RIDGE,
4163-2005 SUBDIVISION 3 IN WATERBURY PCD FOR RECORDING PURPOSES
ONLY.

Third Reading

moved by Olesen, seconded by Swindig to adopt T 62.

President Pro-Tem Butkowski: Is there any discussion? Please, call the roll

Yes, 5

No, 0

Clerk of Council Norris: T 62 is adopted by a vote of five to zero and becomes permanent ordinance 4163-2005.

T 63-2005 AN ORDINANCE APPROVING THE FINAL PLAT OF PIONEER RIDGE,
4164-2005 SUBDIVISION 4 IN WATERBURY PCD FOR RECORDING PURPOSES

ONLY.

Third Reading

moved by Olesen, seconded by Swindig to adopt T 63

President Pro-Tem Butkowski: Is there any discussion? Please, call the roll

Yes, 5 No, 0

Clerk of Council Norris: T 63 is adopted by a vote of five to zero and becomes permanent ordinance 4164-2005.

T 64-2005 AN ORDINANCE APPROVING THE FINAL PLAT OF SUBDIVISION 10 IN
4165-2005 PHASE 4 OF MEADOW LAKES PCD FOR RECORDING PURPOSES ONLY.

Third Reading

moved by Swindig, seconded by Jaenke to adopt

President Pro-Tem Butkowski: Is there any discussion? Please, call the roll on T 64.

Yes, 5 No, 0

Clerk of Council Norris: Motion is approved by a vote of five to zero. T 64 becomes permanent ordinance 4165-2005.

UPCOMING MEETING ANNOUNCEMENTS:

Clerk of Council Norris:

Public Hearing Tuesday, July 5, 2005 at 7:15 P.M. re: T 80-2005

Public Hearing Tuesday, July 5, 2005 at 7:20 P.M. re: 2006 Budget

Next Regular Council Meeting Tuesday, July 5, 2005 at 7:20 P.M. in Council Chambers

Public Hearing Monday, July 18, 2005 at 7:10 P.M. re: T 79-2005

Public Hearing Monday, July 18, 2005 at 7:15 P.M. re: T 87-2005

Finance Committee Chairperson Butkowski announced a Finance Committee meeting on Wednesday, June 22, 2005 at 2:00 P.M. in the Conference Room. The purpose is to discuss and consider a proposed levy and any other business deemed appropriate by the committee.

President Pro-Tem Butkowski: Mr. Mayor?

Mayor Gillock: Before we adjourn, if I may. I should have probably mentioned this in the Mayor's report but, didn't realize it until now. I would like to wish all the residents a safe and happy fourth of July which will be over before our next meeting and advised them that fireworks will be July 3, Sunday evening. It will give you a chance to sleep in the next day rather than stay up late for fireworks and have to go to work. We will have fireworks, July 3 at South Central. Have a nice safe and happy fourth of July.

NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING **JUNE 20, 2005**

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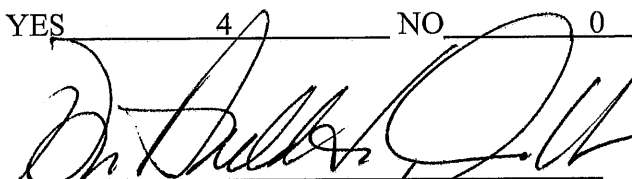
ADJOURN:

 moved by Swindig to adjourn
President Pro-Tem Butkowski: Meeting adjourned.

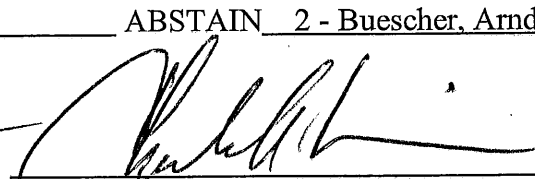
Meeting adjourned at 9:51 P.M.

MOTION Butkowski 2ND Jaenke DATE July 5, 2005

YES 4 NO 0 ABSTAIN 2 - Buescher, Arndt



PRESIDENT OF COUNCIL DR. RONALD F. ARNDT



CLERK OF COUNCIL CHARLES A. NORRIS