NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JUNE 19, 2006

CALL TO ORDER: 7:30 P.M.

President Ronald Arndt: The Chair calls to order, the North Ridgeville City Council Regular meeting dated Monday, June 19, 2006. If you will all rise for our Invocation, followed by our Pledge.

INVOCATION: lead by President Arndt.

PLEDGE OF ALLEGIANCE: by all.

CALLING OF THE ROLL - ROLL CALL:

Present were Council Members Nancy Buescher, Dennis Boose, Richard Jaenke, Bob Olesen, Bernadine Butkowski, Gayle Manning and President Ronald Arndt.
Also, present were Mayor David Gillock, 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: We have one set of minutes before Council this evening and they are:

Council Minutes of regular meeting held June 5, 2006
moved by Butkowski, seconded by Manning to approve the Council Minutes of the regular meeting held June 5, 2006
President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?
Yes, 7 No, 0
Clerk of Council Norris: Minutes are approved.

MAYOR AND DIRECTORS REPORTS:

President Arndt: We now have the opportunity to have the Mayor and Director's report this evening and the Chair invites our Mayor and our Directors the opportunity to provide Council with their oral reports. We would like to begin tonight with our Mayor, Mr. Gillock.

- **Mayor:**

Mayor Gillock: Good evening Mr. President, thank you and good evening Council. Since we last met, I attended the annual organizational meeting of Ohio Public Works Commission's District 9 Integrating Committee. This is the Committee that distributes what use to be called

Issue Two funds. They are now called Issue One funds, which passed at the last election. I would like to advise you that not only was I reappointed as a representative to the Integrating Committee, I was elected to the Executive Board that oversees the selection of projects to be submitted to the Commission. Last year, this Committee was responsible for the allocation of approximately 8,000,000 in funds to Medina, Huron and Lorain Counties.

The Charter Review Board has substantially completed their work, other than, perhaps, the final review of the language as written by the Law Director. These will be presented to Council at the first meeting in July.

On your desks this evening, you will find a number of ordinances relating to the bonds and one for a bond anticipation note, as Auditor Costin advised during the last meeting. I would ask that the By-Laws be suspended to add these to the agenda this evening under First Readings. These include T numbers 98 through 105.

moved by Mayor Gillock, seconded by Butkowski to suspend our By-Laws tonight to place T 98, 99, 100, 101, 102, 103, 104 and 105 under first 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, 7 No, 0

Clerk of Council Norris: Motion is approved.

Mayor Gillock: Thank you, in our continuing efforts to address flooding, infiltration and inflow into our sanitary system, we have expended over 24,000 dollars to Lake County Sewer Company for the grouting of manholes in the Noll, Behm and Aurensen area. We have grouted all but two of the manholes. The two that are left are basically minor ones. However, we would like to address them and proceed with this same measure in the Monica, Luanne area. You will see legislation forthcoming as that will be in excess of 25,000 for funds, which have been appropriated, to continue grouting manholes in those two areas of the City.

On a lighter note, which I enjoyed very much, one of the fun things that you get as Mayor, I received an absolutely delightful letter from a young lady who is 11 years old. I will only use her first name when I read this. Dear Mayor, Hi, my name is Ashley. How are you? Do you get a lot of mail? I'm eleven years old and I am going into the sixth grade. Do you get bored during the day? Well, I better stop asking, but please write back. Sincerely, Ashley. Kudos goes to our Post Office as this letter was just addressed to City Hall, Mayor. The stamp is an American Lung Association Seasons Greetings from 2004, but it did get here. I thought that was really spectacular. We did have to spend 39 cents on postage though. I thought that was really neat.

Finally, I wanted to make everyone aware of the Independence Day Celebration, which has been planned by our Parks and Recreation Department in conjunction with the Fire Department, who sponsors the fire works. The scheduled events will include an inflatable obstacle course from 3:00 to 7:00 P.M.; games with prizes from 3:00 to 7:00 P.M.; blood drive from 3:00 P.M. to

9:00 P.M.; crafts from 4:00 P.M. to 6:00 P.M.; free snow cones from 4:00 P.M. to 6:00 P.M.; and a free concert that will precede the fire works. There will be concessions there. Bring the kids, bring the lawn chairs; come early and enjoy the Independence Day Celebration. Again, the firemen pay for the fireworks and the rest is by Parks and Rec. Hope to see you all there. That concludes my report.
President Arndt: Mayor, what day will that be held?
Mayor Gillock: It is July 3 at South Central Park. Council may want to reschedule their regular meeting as it is also scheduled for July 3.

President Arndt: 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. The City Wide Garage sale, sponsored by the Visitor Bureau, was a huge success. I was invited by my wife to join her at a few dozen of these sales and it gave me a good perspective on how it's done. We had hundreds of sales and lots of buyers. That's good for those directly involved, but there was value to the community beyond the actual sales. The event attracted visitors from out of town and they could be seen crowding our restaurants and commercial establishments. This is why the Visitors Bureau is directly involved in this. Lines were unusually long at these establishments and that's a good thing. My thanks to the folks at the Visitors Bureau for hosting this popular annual event.

Finally, T-96 on your agenda tonight is for the replacement of our rubber tire excavator. I ask that Council consider passing this tonight with the emergency clause. Service Superintendent Chris Rangus is in the audience tonight to explain the reason during lobby. That concludes my report.

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

- **Engineer:**

Engineer Larry Griffith: On numerous occasions, I have discussed the problems associated with discarding yard waste in our ditches and streams. However, evidently the message has not been heard by everyone. Last week, it was brought to our attention by a City employee not in the Engineering Department, that there may be a problem at a particular location along the Ridgeway Ditch, which is one of our major ditches. Upon investigation, it was found that a property owner had placed grass clipping to a thickness of eight (8) inches all along their rear property line (which is about 150 feet long) and had covered about two-thirds of the bank on their side. When told this action was not permitted and that the material must be removed, the property owner was very upset with us. They stated the grass clipping had been placed there to kill poison ivy. Our response was that there are better methods available for removing poison ivy that did not involve polluting our streams. The property owner further stated that during very heavy rains the water level rose above and over the banks and they wanted to know when the City was going to clean the ditch.

Now, maybe it's because I see this all the time, but the property owner did not see the connection between discarding wastes into the ditch and the ditch needing cleaned. So let me say again, discarding yard wastes into our ditches and streams not only pollutes the water but can also clog those same ditches and streams. If you notice a neighbor doing this, as a favor to them, tactfully mention that it is against the law. Or, you can always give the Engineering Department a call at 353-0842. Randy Speidel, who handles these issues in our office, really enjoys being verbally beat-up on by our residents. I might add that the property owner has removed the grass. Thank you, Mr. President. That concludes my report this evening.

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

- **Auditor:**

Auditor Chris Costin: Yes and I will have a few things to talk about tonight, briefly. First of all I think I would be remiss if I didn't congratulate our President of Council for gaining a son- in-law over the weekend. The next item of business is the financial report for May has been disseminated to Council and I request your approval.

Auditor's Written Financial Report for May 2006

moved by Butkowski, seconded by Boose to approve the Auditor's written financial report for May, 2006

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

Yes, 7 No, 0

Auditor Costin: Thank you. Finally, there are a few pieces besides the bond ordinances. These reflect a few financial matters and I will have comments on those. However, I would like to defer making comments until they have their first readings. As I stated at the last meeting, to keep us on schedule for the issuance of our bonds, I would request that Council consider passing these various pieces of bonds and note legislation tonight with the emergency. That completes my report and my comments. Thank you.

President Arndt: Mr. Costin, my presumption is that T 98 through 105, are those that you are referring to, correct?
Auditor Costin: Correct.

President Arndt: Thank you. Dr. Norris, if you will continue on with our other reports please.

- **Other Reports:**

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

Water System Operation Report for May 2006; and
Police Department Support Car Program Report for May 2006.

Planning Commission Report of regular meeting June 13, 2006:

APPLICANT:	Randall S. Smith, Davison Smith Certo Architects, 26031-B Center Ridge Road, Westlake, OH 44145
OWNER:	Preston Properties, Inc., 37152 Sugar Ridge Road
REQUEST:	Approval to construct a 1,178 square foot addition, parking expansion and exterior renovation
LOCATION:	35045 Center Ridge Road in a B-3 District Permanent Parcel No. 07-00-016-104-002
PC ACTION:	Approved by a vote of four to zero with a condition that existing conditions be accepted and BZA approval on a variance for the buffer strip not be required

moved by Jaenke, seconded by Olesen to approve the Planning Commission action for the construction of a 1,178 square foot addition, parking expansion and exterior renovation

President Arndt: Is there any discussion?
Council Member Jaenke: Mr. President, just to give everyone an update. This is an addition to an existing building on Center Ridge located approximately across from CVS Drug Store. In addition, the facade on the front of the existing building will be redone and improved. This will be an asset to the Center Ridge area.
President Arndt: Is there any other discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Report is approved.

APPLICANT:	Terry Gilles, Gilles Property Management, P.O. Box 183, Elyria, Ohio 44036
OWNER:	Same
REQUEST:	Approval to install 200 feet of a 60 inch storm water pipe and connect to an existing pipe to enclose an open ditch; requesting approval for parking in approximately 550 square feet of the City's right-of-way
LOCATION:	7585 Race Road in an I-2 District Permanent Parcel No. 07-00-034-000-098
PC ACTION:	Approved the plan by a vote of four to zero based on the plan being revised to show the actual existing conditions

moved by Jaenke, seconded by Olesen to approve the Planning Commission action regarding the approval to install 200 feet of a 60 inch storm water pipe

President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, again an update for Council. As we all know, for the past several months, there has been major construction on Race Road because of the sanitary sewer line and this is an existing situation where there is a ditch and the property owner is requesting that he install a 60 inch storm pipe approximately 200 feet long to an existing pipe that has already been installed and covered. Our City Engineer did request some additional information, which will be forthcoming. This will really be an improvement for Race Road.
Council Member Butkowski: Mr. Chairman, we keep getting things from the Planning Commission that show that these people that are coming in don't have everything and that it is approved on conditions. This one, I absolutely cannot understand. They have to revise their plan to have actual existing conditions. Why couldn't they come in with a plan that showed what their existing conditions were at the time they came in before Planning Commission? It is very difficult to approve something and think that someone is going to do a quality job when they haven't even taken time to go to the office and get the requirements before they come in and ask for these things. I will be voting no against this one. This is kind of a basic thing that he is requesting and why he couldn't bring in a plan that showed what he had there is beyond me. I see no reason to approve something for somebody that didn't know what he had and didn't have a plan to show what he had. I just don't understand why this was approved and I don't understand why some of the other things are approved on a condition that they bring more things in. How can you be sure of what they will do and that just puts more work on our overworked Engineering Department already.
Council Member Jaenke: I think, perhaps, Larry could shed some light on this in terms of what the additional information is that he is requesting.
Engineer Griffith: Let me speak on two separate items here. One, let me talk on this subject generally. As much as I agree with what Councilperson Butkowski said, I can sympathize with many of these developers. They don't want to put the amount of money into doing engineering plans and then find that they have to make significant changes based on comments from Planning Commission. Since, we do not have a procedure for giving them preliminary approval and then final approval. This is the only approval opportunity they have. I can see why they would try to come to Planning Commission and say do you like my concept or my idea and if you do, then I will finish it. We still have control over whether the Engineering Department approves it or not, regardless of what Planning Commission says. All of the work has been done on this particular project and it was done prior to 2002 when they added their original building addition. They made additional changes that were not on their plans. When they asked for a final to get their refund on their deposit, Engineering refused to approve the final, because the final they submitted did not show all of the work that had been completed; let alone approved. What they are trying to do now is get this approved, have it essentially inspected after the fact by engineering, and then get their deposit back. It is there right now. The 200 feet of pipe is in the ground. The parking is there. They park there every day.
Council Member Buescher: Mr. President, my concern is, do we make it a practice to allow businesses to put their parking lots on the City's right of way?
Engineer Griffith: Not to my knowledge, they would have to have the City's permission to do that. Here again, this is a unique case. The way this property is located next to the turnpike and the bridge going over the turnpike, there is no other way that this property could be used by

anyone. If Council were to see fit to allow this usage, I wouldn't have a problem with it.
President Arndt: Is there any other discussion?
Council Member Boose: Mr. President, how will the City be able to inspect what is already in the ground adequately and to piggyback onto Mrs. Buescher's concern, what sort of weight limit needs to be maintained so that the pipe isn't compromised for the parking area.
Engineer Griffith: One of the items that we will have to look at is what kind of pipe was used. Without inspecting it and considering how long it has been in the ground, if it did not have sufficient strength, I would have thought that would have shown up by now, since they have been parking on it. We would do the best we could and time is the big equalizer here. If there are significant problems, they would be showing up when we go out there to look at it.
Council Member Manning: Mr. President, I know when I served on Planning Commission, there is usually a lot of discussion and a lot more than what we have on these types of situations. I usually find that they have done their homework and Mr. Griffith has usually given them a lot of grave details, at least he did when I was on Planning Commission, therefore, I'm going to vote for it, because I know that Planning Commission has probably done the work the correct way.
Mr. President: Any other comments? As a reminder, we have a motion on the floor by Mr. Jaenke and a second by Mr. Olesen to approve the Planning Commission action for the approval to install 200 feet of a 60-inch storm water pipe. Will the Clerk please take roll.

Yes, 6 No, 1 (Butkowski)

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

APPLICANT:	John R. Lear, Lear Manufacturing Inc., 7855 Race Road
OWNER:	Same
REQUEST:	Approval to construct a 6,200 square foot addition to an existing building
LOCATION:	7855 Race Road in an I-2 District Permanent Parcel Nos. 07-00-035-101-053 and -054
PC ACTION:	Approved by a vote of four to zero

moved by Jaenke, seconded by Olesen to approve the Planning Commission action to construct a 6,200 square foot addition to the existing building

President Arndt: Is there any discussion?
Council Member Jaenke: Mr. President, again to bring everyone up to speed. Lear Manufacturing is an existing company that has been very successful in our City. They are adding a huge addition of 6,200 square feet. Again, this too will be an asset for an existing company to expand their existing facilities and to increase our job and tax base. This is a real plus.
President Arndt: Anyone else?
Council Member Olesen: Yes, Mr. President. I am really excited that these things are happening because we put a lot of money into our City in improvements and when we see the fruits of this endeavor right now with plans to expand existing facilities, this is our goal. I congratulate the Mayor and everyone else who was involved in getting these things done.
Council Member Butkowski: Mr. Chairman, I think Mr. Lear should be congratulated because he is a local person who hires local residents in the City and he has worked very hard to start this business. He has spent many, many hours on this business and I am really happy to see that he is staying here and expanding here.

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

Yes, 7 No, 0

Clerk of Council Norris: Report is approved.

APPLICANT:	John Sindyla, T-Mobile, 7425 Royalton Road, North Royalton, Ohio 44133
OWNER:	City of North Ridgeville, 7307 Avon Belden Road
REQUEST:	Approval to install nine antennas to an existing City-owned tower and three equipment cabinets within the existing compound at the base of the tower located at the City's Service Center
LOCATION:	35010 Bainbridge Road in an R-1 District Permanent Parcel Nos. 07-00-016-104-162 and -030
PC ACTION:	Approved by a vote of four to zero

moved by Jaenke, seconded by Olesen to approve the Planning Commission action to install nine antennas to an existing City-owned tower and three equipment cabinets

President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, again, to give the group an update. This, as we all know, is an existing tower located where the City's Service Garage is and also, this will be a situation of collocation, so it is not a brand new tower. However, they do plan on increasing the safety requirements with new guy wires which will help reinforce the existing tower. There was a question concerning the transmission and any interference as it relates to the City's Police, Fire and Service Garage transmission. These additional antennas will not interfere with any existing transmission that is coming off of this tower.

Council Member Olesen: Mr. President, I would like to address this question to the Mayor. On private property, these existing antennas bring in some income for the property owner. Will this be the same situation for the City?

Mayor Gillock: Yes, we have negotiated approximately 1,500 a month, plus they are installing a new fence at the entrance of the Service Garage area to make that more secure, which is more than what they originally offered.

President Arndt: Any other discussion?

Safety-Service Director Johnson: Mr. President, I just want to clarify that it states nine antennas on the request. However, there will not be nine separate antennas. This is a cellular ray, which are facets around one spot on the antenna. They are not loading up the tower with these antennas.

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

Yes, 7 No, 0

Clerk of Council Norris: Report is approved.

APPLICANT:	H & K Partnership, 34910 Center Ridge Road
OWNER:	Dr. Robert Hutchison and Dr. Gary Krone, 34190 Center Ridge Road
REQUEST:	Approval to construct a veterinary clinic
LOCATION:	36400, 36444, 36458, and 36450 Center Ridge Road in a B-5 District

Permanent Parcel Nos. 07-00-028-101-046, -051, -052, and -053

PC ACTION: Approved by a vote of four to zero

moved by Jaenke, seconded by Olesen to approve the Planning Commission action to construct a veterinary clinic

President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, again, this will be a tremendous asset for the City. As we all know, Dr. Krone is planning to build a beautiful building of a western reserve style. It's going to be a first class veterinarian hospital. Hopefully, this will set the stage for future construction of this type on Center Ridge in the B-5 District.

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

Yes, 7 No, 0

Clerk of Council Norris: Report is approved.

APPLICANT: Joe Molnar, Ridgefield Homes, Inc. 8501 Woodbridge Court

OWNER: Ridgefield Homes, Inc., 8501 Woodbridge Court

REQUEST: Final approval of Ridgefield Subdivision No. 10 to include 21 Single Family Homes and 55 Detached Single Family Clusters

LOCATION: Root Road in an R-1 District
Permanent Parcel No. 07-00-001-000-217

PC ACTION: Approved by a vote of four to zero

moved by Jaenke, seconded by Olesen to approve the Planning Commission action for the final approval of Ridgefield Subdivision No. 10

President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, again, just an update. This will finally complete an additional entrance into Ridgefield off of Root Road. The City has been talking to Bob Schmitt Homes about the second entrance for several years. What this really means is that there will be two entrances for the safety forces, one off of Bagley and one off of Root. From the safety point of view, this is a real plus.

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

Yes, 7 No, 0

Clerk of Council Norris: Report is approved.

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

PC ACTION: Recommends Council to approve by a vote of four to zero

moved by Jaenke, seconded by Olesen to approve the Planning Commission action to accept T 76

President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, this is an ordinance that the Law Director has recently worked on, which now enables the towers to handle both cell phones and also local telephone service. This is really necessary to improve communications throughout the City. This is a real advantage to the communications as it relates to our residents.
President Arndt: Is there any other discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?
Yes, 7 No, 0
Clerk of Council Norris: Report is approved.

President Arndt: We now move to Council Committee Reports and if Dr. Norris would begin with the first from the Buildings and Lands Committee.

COUNCIL COMMITTEE REPORTS:

1) BUILDINGS & LANDS COMMITTEE REPORT #5607 We have considered the matter of T 81-2006, an ordinance amending NRCO Chapter 474 Snowmobiles, Off-highway Motorcycles and All-purpose Vehicles, by adding additional regulations; and recommend the following revisions:

1) Section 1, at the end of the sentence, add the words "for recreational use.";
2) Section 1(a) to read "Upon any private property within 200 feet of an adjoining residential dwelling or residential property line; and
3) add a Section to contain a penalty clause of a minor misdemeanor with a fine not more than $150.00 with a discretionary provision for impoundment.

And recommend that this request be approved and T 81-2006 as revised and attached hereto, be adopted by Council.
Signed: Chairperson Jaenke and Members Manning and Olesen.
President Arndt: Before the Chair accepts a motion, there is a slight typo correction and that is NRCO Chapter 474 should read NRCO Chapter 476. Everything else is in tact.
moved by Jaenke, seconded by Manning to accept the Building and Lands Committee Report #5607
President Arndt: Is there any discussion?
Council Member Jaenke: Mr. President, just to provide a little background. This is a result of several complaints that I have received along with the complaints received by the Administration regarding the use of these types of vehicles that are very close to existing residential properties. What we are attempting to do is put some restrictions for so-called City lots that are in the City where young kids have these type of vehicles. It isn't just the neighbor doing this, but then the neighbor child calls all his buddies and before you know it, we have a half dozen vehicles running around in backyards stirring up dust and causing noise. What we are really doing here is upgrading the existing ordinance to state that no vehicle of this type can be operated within 200 feet of a residential dwelling or property line. The 150 dollar fee is the minor misdemeanor fine. This is a result of some complaints and we are really trying to assist residents that have a problem with the noise and the dirt as it relates to these types of vehicles.
President Arndt: Is there any other discussion?

Council Member Boose: Mr. President, just to tag onto what Mr. Jaenke had said, this is for residential City lots and we're not saying that individuals cannot utilize these types of vehicles in the country. Lots of people have them and have fun with them. We just need to make sure that they are utilized properly and don't infringe on other's rights.
President Arndt: Is there any other discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?
Yes, 7 No, 0
Clerk of Council Norris: Report is approved.

2) BUILDINGS & LANDS COMMITTEE REPORT #5608 We have considered the matter of T 82-2006, an ordinance amending NRCO Section 618.015, Dangerous Animals, providing for regulation of farm animals in Residential Districts as amended by substitution 5/15/2006 and recommend the following revisions:

1) add to Section 3., 2) the sentence "No structure for animals or pastures shall be located within 100 feet of a residential property line."; and
2) delete subsection 3) of Section 3.

And recommend that this request be approved and T 82-2006, as revised and attached hereto, be adopted by Council.
Signed: Chairperson Jaenke and Members Manning and Olesen.
moved by Butkowski, seconded by Manning to accept Building and Lands Committee Report #5608
President Arndt: Is there any discussion?
Council Member Jaenke: Mr. President, this was brought to our Committee by Mrs. Butkowski and I certainly support this and I know our Committee does. I would like to call on her to explain her rationale.
Council Member Butkowski: I had some people come forward that are having some problems regarding individuals within their area adding a few extra animals to their property that started to cause some problems. It's become time, with the City growing the way it is, that we start looking into these. This ordinance is very similar to the one in the City of Avon. We have heard over time that there are people in other cities that are bringing in tigers and all this other stuff. This may or may not address that, but we have to start eliminating some of this so that we don't have a lot of animals on small residential lots. This ordinance was a result of a request from a resident here in the City.
Council Member Boose: Mr. President, section two seems redundant in that by placing farm animals in section one, 618.05 titled dangerous animals, it is already a dangerous animal now by definition. Under item two, I'm not sure where two acres came from. It used to be one acre and now it's two acres and why not five, why not ten, why two? Lastly, no structure for animals or pastures within 100 feet of a residential property line. What happens to existing structures that are already there or in the case where a currently zoned property that is not zoned residential is rezoned residential and hence they are now up against a property line where there was a structure there. What happens to that case? I'm assuming that they would be grand fathered in but would like clarification of that.
President Arndt: I will refer to our Law Director.

Law Director Crites: Everyone who has an existing situation now would be grand fathered in. The others spin out beyond my capacity to answer right now. If they are going to involve issues with rezoning or whether or not they can be rezoned, if it was rezoned with an existing structure, I believe this all would be grand fathered in. The rationale regarding the two acres is; as the community becomes more residential and not rural, to put more space between your alpacas and your picnic table. I wasn't actually the one that came up with the two acres. It was the function of Councilperson Butkowski and my assistant. Bernie, was that pulled from a neighboring community's ordinances?
Council Member Butkowski: Yes, that was from Avon.
Council Member Buescher: Mr. President, you could have a one acre lot that is long and narrow and it would be very ineffective to just allow one acre in that situation.
Law Director Crites: Most importantly is, that I think, Councilman Boose's question is that someone isn't going to have to have their current animals removed; it will be grand fathered in.
President Arndt: Thank you. No other questions or comments? Again, for clarification purposes, we have a motion by Mrs. Butkowski and a second by Mrs. Manning to accept the Building and Lands Committee Report #5608. All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Report is approved.

3) BUILDINGS & LANDS COMMITTEE REPORT #5617 We have considered the matter of T 76-2006, an ordinance amending Section 1462.04 Cellular Communications Systems, Location/Siting of Facilities for the purpose of promoting collocation and the construction of additional cellular towers within the City and recommend that this request be approved and T 76-2006 be adopted by Council.
Signed: Chairperson Jaenke and Members Manning and Olesen.

moved by Jaenke, seconded by Manning to accept Building and Lands Committee Report #5617

President Arndt: Is there any discussion?
Council Member Jaenke: (Tape 1, Side A ended - In audible) This is the same type of situation that we talked about earlier where we are attempting to collocate both types of telephone services. This subject had to come to our Committee for approval.
President Arndt: Is there any other discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Report is approved.

4) BUILDINGS & LANDS COMMITTEE REPORT #5616 We have considered the matter of home occupations and recommend that this request be approved and the attached legislation be adopted by Council.
Signed: Chairperson Jaenke and Members Manning and Olesen.

moved by Jaenke, seconded by Manning to accept the Building and Lands Committee Report #5616

President Arndt: Is there any discussion?
Council Member Jaenke: Mr. President, I might mention that this request came to our Committee from Kevin Corcoran, President of the Chamber of Commerce. I think we all recognize that there are more and more people working out of their homes as a result of the internet and computer technology. This ordinance allows us to streamline the permit process. What the Committee agreed upon was to eliminate the applicant having to go in front of the Board of Zoning and Building Appeals for approval, which is the way it is currently. Also, the permit would be a one time fee and would not have to be renewed on a periodic basis. The enforcement of all the requirements for the home occupation permit will still be controlled by the Building Department. In addition, from the Income Tax point of view, those controls will also be in place. This ordinance will streamline the process for the residents whom a number of them are working out of their homes. It just seemed unnecessary that every applicant would have to go to the Board of Zoning and Building Appeals for approval. That step would be eliminated. If, however, the Building Official were to turn down an application, the applicant could then go in front of the Board of Zoning and Building Appeals for approval. That provision will remain in tact.
President Arndt: Is there any other discussion?
Council Member Boose: Mr. President, home occupation is the fastest growing sector of the small business community right now. More small businesses are being opened and operated out of homes than any other sector. I have no issue with taking the Zoning Board out of it. I think to streamline it, makes good common sense and it's about time we have common sense. There are a couple of aspects to the proposed ordinance that I do have concerns about. First, under section 830.02 (b) (9), where it says vehicles used for deliveries to or from the home occupation should comply with the weight limits established for through traffic on a street upon which the dwelling fronts. This doesn't address a property that is on a corner lot and we've seen in earlier requests before the Zoning Board, where it did become an issue because the business owner then just makes the form of egress to the property on the other street that the property does not front to and thereby tries to get away from the weight limit. Number 11, two items lower, talks about no more than two vehicles or patrons or customers shall be permitted on the premises and you cannot alternatively park on the street. Just a month ago, Zoning approved a dance studio in the Ridgefield development, when they had stated, during the meeting, that they would have more than two vehicles when they have the dance studio operating. This was already in the current ordinance and Zoning had approved it anyways. One of the issues is that when you go further into the ordinance, one of the things that it recommends that we repeal section 830.09, which prohibits grand fathering. That means that this business that we just gave approval for a month ago will no longer be able to operate their business, because grand fathering will no longer be allowed. Finally, section 830.04 (c) states a request that the notice requirements in case the Chief Building Official denies the permit, the applicant can appeal that decision to the Board of Zoning and Building Appeals with the last sentence indicating that the notice requirements for posting a meeting shall not apply to this appeal. My recommendation is that we keep the notice because interested parties on both sides of the issue should be able to discuss at the meeting. If the posting requirements do not apply then someone for or against that issue may or may not be able to attend because they wouldn't know of the meeting or have adequate time to prepare.

Law Director Crites: If I may respond, I will speak on the last one first. The intent of lifting the notice requirement was not so that notice would not be issued. However, this probably should be redrafted to state that the time otherwise described in the Charter for notice shall not apply. Other places in the code state that if you file an appeal, you have to have your hearing within a certain number of days. Elsewhere in the code, it states if you precipitate a special meeting of the BZA, you being the resident, applicants' get charged a one hundred dollars. The only way to avoid someone from getting hit with that fee, is to say let's just do it at the next regular meeting. That is what the intent was here.
Council Member Boose: Actually, it would give more time than what is normally allowed?
Law Director Crites: No, less than and it will also avoid the otherwise dismal necessity of a special meeting, especially for the BZA members who are volunteers. They would have to come in for a special meeting just so that this person would get their timely meeting.
Council Member Boose: That makes sense to me, so perhaps if it was added that no less time than normal notice, that would clarify it and there wouldn't be any issues of someone getting caught in the middle of not having just notice. I'm not an attorney, but that is the way I read it. I don't know if anyone else read it that way.
Law Director Crites: Let's take a look at the other ones too, but I would suggest that it would be best to not try to amend it on the Council floor tonight. Kevin Corcoran may be dismayed if we did not pass this tonight. I think we would be best advised to refer the ordinance to me and maybe amend it by substitution when it comes up again. We would like to help promote what is the fastest growing small business these days and we don't want to drag this out forever. I would suggest that Council postpone the vote on this for a specific date to revert back to Committee. However, the Mayor may have a thought on this.
Mayor Gillock: Mr. President, as Mr. Crites pointed out, this only applies to the notice requirements. The notice is still going to be given. It only applies to the timing of the notice. The section before states that a timely filed appeal shall be heard at the next regular meeting. What they are trying to say is, is at the next meeting, you will have the appeals process to the CBO's decision and we can take that required 100 dollars out of it. What they are saying is that you have to make the appeal within 15 days. It will be heard at the next meeting. It will be posted along with everything else. The applicant won't have to pay the 100 dollars though, if the timing isn't right. That is the intent of the way it is worded.
Law Director Crites: If I may, the Mayor is always right. He raised a good point. The notice requirement, which appears in the Charter states that the notice has to take place. Therefore, this ordinance no matter what it says, can't trump the Charter.
Council Member Boose: But just be consistent, that is all I ask.
Law Director Crites: I would be more comfortable in Council allowing me to take another look at it rather than try to revamp it on the floor. There were two other issues Mr. Boose raised as well.
Council Member Boose: Yes, (b) (9) and (b) (11).
Law Director Crites: The corner lot issue is interesting.
Safety-Service Director Johnson: Mr. President, if I could, (b) (9) pertains to vehicles used for deliveries to or from home occupation. It is no different than vehicles delivering items to a home. That could include a fully loaded cement truck. There are no limitations here that wouldn't be on any other residence.

Mayor Gillock: Mr. President, Denny is right. I think Dennis's concern is related to the dwelling that fronts on a corner lot with the front being on one street and the egress being on the other. By our zoning laws, a corner lot fronts both streets. They would have to meet the weight limit for which ever street the vehicle is on. It states in our zoning ordinances that a corner lot fronts both streets and are both considered fronts for setbacks and building requirements. Mr. Boose is correct in regards to his issue on (b) (11) where it relates to the dance studio. I would defer to the Law Director, in that the BZA does grant variances and I don't know if that would be considered a variance for the number of cars that are allowed or not. Our ordinances allows for two vehicles. However, BZA did approve that studio with the understanding that there were more than two. I would look to the Law Director for guidance as that is a good point.
Council Member Boose: The gentleman who owns that dance studio spoke in great detail and all the Board members were in favor of it. I would just hate to see that gentleman not be grand fathered in after he has already received the approval.

moved by Olesen, seconded by Buescher to refer the Buildings and Lands Committee Report #5616 back to the Law Director's office for date certain at our next Council meeting

President Arndt: Is there any discussion?
Council Member Boose: Mr. President, I would like to thank Council for taking this direction to make it clear. Again, I am in full support of the home occupation changes. I believe it does need to be streamlined. I think this in the long run will help our small businesses prosper and be identified within the City in order that we know of them and know where there at. Thank you.
President Arndt: Is there any other discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Report is approved.

5) BUILDINGS & LANDS COMMITTEE REPORT #5615 We have considered the matter of T 32-2006, an ordinance amending NRCO Section 1468.02 and providing for positive drainage for any structure attached or detached and recommend that this request be approved and T 32-2006 be adopted by Council.
Signed: Chairperson Jaenke and Members Manning and Olesen.

moved by Jaenke seconded by Manning to accept the Buildings and Lands Committee Report #5615

President Arndt: Is there any discussion?
Council Member Jaenke: Mr. President, this is intended for structures that would be attached or detached. Structures such as storage buildings that may be purchased from Home Depot. The Engineering Department feels that we need to have proper drainage around all these structures in order that we aren't creating a water or drainage problem. It is really intended for those type of buildings.
President Arndt: Is there any other discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Report is approved.

President Arndt: Dr. Norris, if you will begin with our two pieces of correspondence.

CORRESPONDENCE:

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

1) Received a memo from Law Director Andrew Crites suggesting, due to the holiday activities on July 3rd, that at the next regular Council meeting on June 19 Council By-Laws be suspended so that the regular meeting scheduled for July 3rd be rescheduled for July 5th at the usual time.

President Arndt: We are going to need a motion if we should choose to change this to suspend our By-Laws. However, be aware that we have a couple of interesting conflicts. We heard earlier tonight that on July 3 the Fire Works display will be held during our Council meeting. Then, item number two is the suggestion to hold the meeting on July 5, which is when the Council Chambers holds Mayor's Court. This can pose a conundrum, particularly if we have a lot of people here in our Mayor's Court and they don't finish by 7:30.
Safety-Service Director Johnson: Just a comment. We have had fire works in Council Chambers in the past, not recently. Therefore, we need to move the date.
Mayor Gillock: If Council chooses to move their meeting to July 5, I am sure with the Law Director's assistance, that we can address Mayor's Court.
Law Director Crites: It is very often, depending upon the volume, done by 7:30. However, I now look at the fact that it is a holiday weekend, it may be a busy court day. The Charter simply dictates that you hold two meetings during the month. You can do it Thursday.
Council Member Butkowski: That is what I was going to suggest. If we don't hold Mayor's Court, we won't get money in. Therefore, financially, we would be better off having it on Thursday.
President Arndt: That is also an option. However, in speaking with our Chief Deputy Clerk of Council, she has reminded me that, that date could pose some real time challenges in meeting our cloture issues related to getting information to Council. Although, she did not say she would not do that, it simply wasn't her preference.
Mayor Gillock: If we chose not to hold Mayor's Court, those cases would simply be scheduled or continued to the following week. Our objective is not to make money in Mayor's Court.
Council Member Buescher: Mr. President, is it possible that we hold our Council meeting a little earlier on Monday night?
President Arndt: It is an option.
Mayor Gillock: Mayor's Court will work around the Council meeting. Even if we hold Court in the conference room and have the prosecutor use my office; we can do this.
President Arndt: It sounds that the best solution seems to be the July 5th date because of the willingness of the Mayor to move the Mayor's Court and apparently the power of our Law Director to demand that people be shuffled around.

moved by Arndt, seconded by Jaenke to suspend our By-Laws to move our next regular

Council meeting that is slated for July 3 to the July 5 date, here in Council Chambers at 7:30 P.M.
President Arndt: Is there any further discussion.
Council Member Butkowski: Mr. Chairman, could we move our meeting to 8:00? Would that solve some of the problem?
Mayor Gillock: Mr. President, as the Law Director stated, it is hard to tell after a long holiday weekend, it may be real busy. We do have a lot of options for Mayor's Court. We could use the Senior Center. We could use the Police Training room. We have options for Mayor's Court. This has come up before for different cases where we couldn't have Mayor's Court in here. We can deal with it.
President Arndt: Mr. Crites, do you have any additional comments?
Law Director Crites: I wanted to know what happened to the Thursday idea.
Council Member Buescher: Mr. President, we wouldn't be able to meet cloture.
President Arndt: That is part of the challenge. Is there any other discussion? To clarify for everyone, it has been moved by Arndt, seconded by Mr. Jaenke to suspend our By-Laws to move our next regular Council meeting that is slated for July 3 to the July 5 date here in Council Chambers at 7:30 P.M. All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved.

2) Received a memo from the Office of the Clerk of Council regarding Council's request for a Public Hearing for the two new liquor permit requests and the time frame in which these public hearings can be held.

President Council: We have no New Business tonight. Therefore, we will move to the Audience Participation or Lobby section of our meeting.

AUDIENCE PARTICIPATION (Lobby):

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

1) Chris Rangus, Service Department Superintendent for North Ridgeville, 35010 Bainbridge explained the reasons for T 96-2006, regarding the purchase of a new rubber tire excavator. He explained that it is not economically feasible to keep the current equipment, as it is now in need for repair and the repair costs would be more than the purchase of a new rubber tire excavator. He noted that this piece of equipment is only used 50 percent of the time because the number of times it breaks down and it has been leaking oil for a long time. He provided a detailed explanation on how they made their

decision on the vendor and equipment of choice. He also explained the reason he was requesting the passage of this ordinance to include the emergency was that the vendor has committed to waiving the steel surcharge if the excavator was purchased within the next 30 days.

President Arndt: What is a rubber tire excavator?
Service Department Superintendent Rangus: It is the same type of excavator that makes steel tracks. However, rubber tires are added to allow us to drive on the roads.
Mayor Gillock: I would just like to point out that the primary use of this piece of equipment is to clean our ditches. Because of that fact, the expenditure can come from our surface drainage funds.

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

moved by Arndt, seconded by Jaenke to suspend our By-Laws tonight to forego our recess

President Arndt: All those in favor signify by yes. All those opposed by no. Any abstentions?
Yes, 7 No, 0

RECESS: dispensed with

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

ORDINANCES AND RESOLUTIONS:

- **Ordinances & Resolutions Submittals**

Clerk of Council Norris: Ordinances and resolutions submittals tonight include:

T 96-2006 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO PURCHASE A NEW RUBBER TIRE EXCAVATOR AND APPURTENANCES FROM THE STATE CO-OP, OR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT TO EXCEED $175,000.00 WITH THE TRADE-IN OF OLD EQUIPMENT.

moved by Boose, seconded by Buescher to suspend our By-Laws tonight to give T 96 its first reading

President Arndt: Is there any discussion?
Council Member Boose: Mr. President, I just wanted to add that this was approved during appropriations held earlier this year and as evident by the Mayor's comment, it will come from the surface drainage fund, which has appropriate monies to allow this request. Thank you.
President Arndt: Any other comments? All those in favor signify by yes. All those opposed by

no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved.

T 97-2006 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

moved by Mayor Gillock, seconded by Olesen to suspend our By-Laws tonight to give T 97 its first reading

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

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved.

President Arndt: We can now move into our first readings. Dr. Norris, if you will begin with T 86, please.

- **First Readings**

T 86-2006 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT THE LORAIN ROAD AND BAGLEY ROAD INTERSECTION AND OTHER APPURTENANCES, AND TO NEGOTIATE AND ENTER INTO A CONTRACT WITH A CONSULTING ENGINEERING FIRM FOR PLANS, SPECIFICATIONS, AND CONSTRUCTION PHASE SERVICES FOR SAME, NOT TO EXCEED $130,000.00.

First Reading

Mayor Gillock: Mr. President, we would rather that this ordinance work its way through. During a discussion, a question came up regarding the apportioning some of the costs. Two developers on Bagley Road have indicated their willingness to participate in the cost of this light, which was 89 thousand dollars. According to our plans, Richey Land Company, is building 204 new units and Oster is building 127 new units. If you apportion that 89 thousand dollars out on a prorata basis, Richey Land Company's portion would be almost 55 thousand dollars. However, they indicated that they would pay their prorata portion up to 50 thousand. Oster's portion would be 34,148. I would anticipate recouping 84 thousand plus change from these two developers. The rest of the 130 thousand dollars includes engineering, paving, and adding a turning lane. Having said that, the reason we would like this to work its way through, is because the Auditor will need to submit the appropriations for this. We have not appropriated this yet. We would have the additional funding necessary in our miscellaneous general government fund. However, we have not appropriated it yet. Thank you.

Council Member Boose: Mr. President, might it be appropriate for this to be referred to Finance since it is being asked to be appropriated. There is a scheduled Finance meeting to be held prior to the next Council meeting, that might be appropriate.

Auditor Costin: I don't know if that would be necessary. The reason is that we have to go

through the calisthenics of writing a letter to get the money available to spend and then appropriate it. If you want to refer it to Finance, that is fine. However, I am not sure if it is necessary. What is necessary is for the Auditor's office to get the approximate amount of monies that we are going to get from the developers and once we have that, then we can put it in Finance Committee if need be or just change it on the floor.
President Arndt: I will take the direction of our Auditor.
Auditor Costin: If I might add, the important issue is that we allow this ordinance to go through its three readings and not pass this tonight. By the time it has its second and third readings, we should have everything in place.
President Arndt: Thank you.

T 91-2006 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR THE DEBORAH DRIVE AND PAULA BOULEVARD WATERLINE REPLACEMENT, AND TO NEGOTIATE AND ENTER INTO A CONTRACT WITH A CONSULTING ENGINEERING FIRM FOR PLANS, SPECIFICATIONS, AND CONSTRUCTION PHASE SERVICES FOR SAME, NOT TO EXCEED $775,000.00.
First Reading

Auditor Costin: Mr. Chairman, if I can address this briefly. This piece of legislation deals, as he just read there in the preamble, with the engineering and construction services. However, in speaking with the Engineer, he pointed out that we don't have the money available to spend at this point for the construction services. We will probably have to issue bond anticipation notes. What will be coming at the next meeting, I believe, will be another ordinance, simply for the initial engineering in order that we don't hold up the project. The plan is that Council pass the ordinance for the engineering and once the engineering is completed, however long that takes, and we have a pretty firm estimate price on the construction cost, then we will proceed with the issuance of bond anticipation notes. Otherwise, we couldn't even start the engineering without those notes in place as a commitment. What I would suggest and recommend here, is that Council send this one back to Finance, and we will then just amend the language and the dollars during the Finance meeting and we can then expect the ordinance for the engineering design services at the next Council meeting.
President Arndt: Thank you, Mr. Costin. THE CHAIR REFERS T 91 TO THE FINANCE COMMITTEE.

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

T 98-2006
4278-2006 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF $700,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING LEAR NAGLE ROAD AND CENTER

RIDGE ROAD BETWEEN CERTAIN TERMINI BY REALIGNING LEAR NAGLE ROAD AT THEIR INTERSECTION, GRADING, DRAINING, WIDENING, CURBING, PAVING, CONSTRUCTING AND RECONSTRUCTING STORM SEWERS, WATERLINES AND SIDEWALKS AND INSTALLING AND IMPROVING TRAFFIC SIGNS, SIGNALS AND SIGNALIZATION, WHERE NECESSARY, IN EACH CASE TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO.

First Reading

moved by Mayor Gillock, seconded by Boose to dispense with the second and third readings tonight on T 98

President Arndt: Is there any discussion?

Auditor Costin: Mr. Chairman, T 98 is the TIFF project related to Walgreens. We weren't comfortable because we didn't have all the information we needed to add this to the bond ordinance and so we are going to keep this in BAN's until that final information is available. We will move forward perhaps bonding it at some future time. That does represent the issuance of bond anticipation notes, which we need to pass with the emergency in time to pay the expired notes off, which will be September. I request T 98 as well as all the bond ordinances that follow be passed with the emergency tonight.

President Arndt: The purpose of the emergency, Mr. Costin, so that we can have that clear throughout all of these ordinances.

Auditor Costin: It is for the timely repayment of the expiring bond anticipation notes in accordance with State statutes.

President Arndt: For clarification, we have a motion on the floor by Mayor Gillock and a second by Mr. Boose to dispense with the second and third readings tonight on T 98. All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

moved by Boose, seconded by Butkowski to adopt tonight T 98

moved by Boose, seconded by Butkowski to add the emergency in order to meet the timely repayment of the expired BAN's per State statutes

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

Yes, 7 No, 0

President Arndt: In addition, we have a motion on the floor by Mr. Boose and a second by Mrs. Butkowski to adopt tonight T 98 with the emergency. Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 98 is passed with the emergency becoming permanent ordinance 4278-2006.

Permanent Ordinance No. 4278-2006

T 99-2006 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF
4279-2006 BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF

$4,164,000 TO PAY THE PROPERTY OWNERS' PORTION, IN ANTICIPATION OF THE COLLECTION OF SPECIAL ASSESSMENTS HERETOFORE LEVIED, AND THE CITY'S PORTION OF THE COST OF CONSTRUCTING A SANITARY TRUNK SEWER, TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO, FROM AN EXISTING MANHOLE IN CASE ROAD AT THE NORTHERN CORPORATE BOUNDARY OF THE CITY, SOUTH IN CASE ROAD A DISTANCE OF APPROXIMATELY 300 FEET AND THEN EASTERLY AND SOUTHERLY IN CITY EASEMENTS, PROPERTIES AND RIGHTS-OF-WAY TO A POINT APPROXIMATELY 2,400 FEET EAST OF AND 2,600 FEET SOUTH OF THE INTERSECTION OF RACE ROAD AND SUGAR RIDGE ROAD.
First Reading
moved by Boose, seconded by Butkowski to dispense with the second and third readings tonight on T 99

President Arndt: Any discussion?
Auditor Costin: I would like to explain what each of these are briefly as we read them. This one is for the westerly sanitary sewer project.
President Arndt: The emergency would be for the exact same reason that you stated? Would that be the case for all of these?
Auditor Costin: Yes
President Arndt: All those in favor signify by yes. All those opposed by no. Any abstentions?

moved by Boose, seconded by Butkowski to adopt tonight T 99
moved by Boose, seconded by Butkowski to add the emergency in order to meet the timely repayment of the expired BAN's per State statutes

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

Yes, 7 No, 0

President Arndt: In addition, we have a motion on the floor by Mr. Boose and a second by Mrs. Butkowski to adopt tonight T 99 with the emergency. Is there any discussion?
Council Member Boose: Mr. President, is it possible to get an update on what the current status is of the collection of the property owner's portion of this project.
Auditor Costin: I don't have the exact numbers. However, I believe we have collected over a million dollars. It was applied to the assessments to reduce the amount that we have to bond.
Mayor Gillock: I was just going to go by the ordinance, in that the amount we are going to pay is 4,164,000 with an entire note as 5,090,000. The difference would be what we collected, correct?
Auditor Costin: It also includes the bonding costs.
Council Member Boose: All property owners that were to be assessed, have been assessed and those that have not paid, have had the assessment placed on their tax duplicate?
Mayor Gillock: We set a final cut off date of May 31. Those that wanted to could pay cash or pay a part of it. This includes the original petitioners. After that point, it was cut off. Anything that wasn't paid, it automatically was placed onto their tax duplicate.
President Arndt: Is there any other discussion? All those in favor signify by yes. All those

opposed by no. Any abstentions?

Yes, 7 No, 0

President Arndt: In addition, we have a motion on the floor by Mr. Boose and a second by Mrs. Butkowski to adopt tonight T 99 with the emergency. All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 99 is adopted with the emergency becoming permanent ordinance 4279-2006.

Permanent Ordinance No. 4279-2006

T 100-2006
4280-2006

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $7,180,000 FOR THE PURPOSE OF IMPROVING THE CITY'S SANITARY SEWER SYSTEM BY CONSTRUCTING SANITARY SEWERS AND SANITARY SEWER SERVICE CONNECTIONS AND RECONSTRUCTING AND OTHERWISE IMPROVING AND EQUIPPING A SANITARY SEWER PUMP STATION, IN EACH CASE TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO.

First Reading

moved by Boose, seconded by Butkowski to dispense with the second and third readings tonight on T 100

President Arndt: Any discussion?

Auditor Costin: Yes, just briefly. This is primarily our sanitary sewers consisting of the two projects east and west Center Ridge. A smaller project that included Chestnut Ridge and Lear Nagle. This was the 500,000 dollar note in BAN's we had issued in 2003.

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

Yes, 7 No, 0

moved by Boose, seconded by Butkowski to adopt tonight T 99

moved by Boose, seconded by Butkowski to add the emergency in order to meet the timely repayment of the expired BAN's per State statutes

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

Yes, 7 No, 0

President Arndt: In addition, we have a motion on the floor by Mr. Boose and a second by Mrs. Butkowski to adopt tonight T 100 with the emergency. All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 100 is adopted with the emergency becoming permanent ordinance 4280-2006.

Permanent Ordinance No. 4280-2006

T 101-2006 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF

4281-2006 BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $260,000 FOR THE PURPOSE OF IMPROVING AVON BELDEN ROAD BETWEEN CERTAIN TERMINI, IN COOPERATION WITH THE DIRECTOR OF TRANSPORTATION OF THE STATE OF OHIO, BY GRADING, DRAINING, PAVING, REALIGNMENT AND CONSTRUCTING A BRIDGE TO PROVIDE A RAILROAD GRADE SEPARATION CROSSING OVER NORFOLK AND SOUTHERN RAILROAD TRACKS, TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO.

First Reading

moved by Boose, seconded by Butkowski to dispense with the second and third readings tonight on T 101

President Arndt: Mr. Costin, your discussion?

Auditor Costin: Yes, just briefly. This is our portion of the Route 83 Railroad overpass.

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

Yes, 7 No, 0

moved by Boose, seconded by Butkowski to adopt tonight T 101

moved by Boose, seconded by Butkowski to add the emergency in order to meet the timely repayment of the expired BAN's per State statutes

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

President Arndt: In addition, we have a motion on the floor by Mr. Boose and a second by Mrs. Butkowski to adopt tonight T 101 with the emergency. Any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 101 is adopted with the emergency becoming permanent ordinance 4281-2006.

Permanent Ordinance No. 4281-2006

T 102-2006
4282-2006 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $351,000 FOR THE PURPOSE OF IMPROVING CENTER RIDGE ROAD BETWEEN CERTAIN TERMINI, IN COOPERATION WITH THE DIRECTOR OF TRANSPORTATION OF THE STATE OF OHIO, BY PREPARING THE SURFACE, RECONSTRUCTING SECTIONS OF THE PAVEMENT BASE, CURBS, GUTTERS, CATCH BASINS AND SIDEWALKS, WHERE NECESSARY, AND RESURFACING WITH ASPHALTIC CONCRETE, IN EACH CASE TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO.

First Reading

moved by Boose, seconded by Butkowski to dispense with the second and third readings tonight on T 102

President Arndt: Is there any discussion, Mr. Costin?

Auditor Costin: Yes, this is our portion for the Center Ridge Road resurfacing, which took place last summer.

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

Yes, 7 No, 0

moved by Boose, seconded by Butkowski to adopt tonight T 102

moved by Boose, seconded by Butkowski to add the emergency in order to meet the timely repayment of the expired BAN's per State statutes

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

Yes, 7 No, 0

President Arndt: In addition, we have a motion on the floor by Mr. Boose and a second by Mrs. Butkowski to adopt tonight T 102 with the emergency. Any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 102 is adopted with the emergency becoming permanent ordinance 4282-2006.

Permanent Ordinance No. 4282-2006

T 103-2006
4283-2006

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $175,000 FOR THE PURPOSE OF IMPROVING LEAR NAGLE ROAD AND CENTER RIDGE ROAD AND ADJACENT CITY EASEMENTS BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING, CURBING, PAVING, CONSTRUCTING A NEW TURN LANE, SANITARY SEWERS AND SIDEWALKS AND INSTALLING AND IMPROVING TRAFFIC SIGNS, SIGNALS AND SIGNALIZATION, WHERE NECESSARY, IN EACH CASE TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO AND DECLARING AN EMERGENCY.

First Reading

moved by Boose, seconded by Butkowski to dispense with the second and third readings tonight on T 103

President Arndt: Is there any discussion, Mr. Costin?

Auditor Costin: Yes, this is the remaining balance of the TIFF Tops project.

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

Yes, 7 No, 0

moved by Boose, seconded by Butkowski to adopt tonight T 103

moved by Boose, seconded by Butkowski to add the emergency in order to meet the timely repayment of the expired BAN's per State statutes

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

Yes, 7 No, 0

President Arndt: In addition, we have a motion on the floor by Mr. Boose and a second by Mrs. Butkowski to adopt tonight T 103 with the emergency. Any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 103 is adopted with the emergency becoming permanent ordinance 4283-2006.

Permanent Ordinance No. 4283-2006

T 104-2005
4284-2006
AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $820,000 FOR THE PURPOSE OF ACQUIRING FIRE APPARATUS AND RELATED EQUIPMENT AND DECLARING AN EMERGENCY AND DECLARING AN EMERGENCY.

First Reading

moved by Boose, seconded by Butkowski to dispense with the second and third readings tonight on T 104

President Arndt: Mr. Costin?

Auditor Costin: This one is for the financing of our Fire Truck.

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

Yes, 7 No, 0

moved by Boose, seconded by Butkowski to adopt tonight T 104

moved by Boose, seconded by Butkowski to add the emergency in order to meet the timely repayment of the expired BAN's per State statutes

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

Yes, 7 No, 0

President Arndt: In addition, we have a motion on the floor by Mr. Boose and a second by Mrs. Butkowski to adopt tonight T 104 with the emergency. Any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 104 is adopted with the emergency becoming permanent ordinance 4284-2006.

Permanent Ordinance No. 4284-2006

T 105-2006
4285-2006
AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $930,000 FOR THE PURPOSE OF ACQUIRING MOTOR VEHICLES AND RELATED EQUIPMENT FOR USE IN CARRYING OUT FUNCTIONS OF VARIOUS DEPARTMENTS OF THE CITY AND DECLARING AN EMERGENCY.

First Reading
moved by Boose, seconded by Butkowski to dispense with the second and third readings tonight on T 105

President Arndt: Is there any discussion, Mr. Costin?
Auditor Costin: Yes, this is for various motor vehicles that includes the Police Department cars and the Service Department trucks.
President Arndt: Any other discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

moved by Boose, seconded by Butkowski to adopt tonight T 105
moved by Boose, seconded by Butkowski to add the emergency in order to meet the timely repayment of the expired BAN's per State statutes

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

Yes, 7 No, 0

President Arndt: In addition, we have a motion on the floor by Mr. Boose and a second by Mrs. Butkowski to adopt tonight T 105 with the emergency. Any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 105 is adopted with the emergency becoming permanent ordinance 4285-2006.

Permanent Ordinance No. 4285-2006

T 96-2006
4286-2006

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO PURCHASE A NEW RUBBER TIRE EXCAVATOR AND APPURTENANCES FROM THE STATE CO-OP, OR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT TO EXCEED $175,000.00 WITH THE TRADE-IN OF OLD EQUIPMENT.

First Reading
moved by Boose, seconded by Butkowski to dispense with the second and third reading tonight on T 96

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

Yes, 7 No, 0

moved by Boose, seconded by Butkowski to adopt
moved by Boose, seconded by Butkowski to add the emergency in order to take advantage of the savings for the waiver of the steel surcharge and also the trade in for the present vehicle

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

Yes, 7 No, 0

President Arndt: Additionally, we have a motion on the floor by Mr. Boose and a second by Mrs. Butkowski to adopt tonight T 96 with the emergency. Any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 96 is adopted with the emergency becoming permanent ordinance 4286-2006.

Permanent Ordinance No. 4286-2006

T 97-2006 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.
1086-2006 First Reading
moved by Butkowski, seconded by Olesen to dispense with the second and third readings tonight on T 97

President Arndt: Is there any discussion?

Auditor Costin: Mr. Chairman, just briefly. This work was performed properly. There was a retainage and the purchase orders were closed. The retainage fell through the cracks and now what we have to do is receive Council's approval to pay this. The original appropriation was in place, it is just that the purchase orders were inadvertently cancelled. We need to remedy it by passing this tonight.

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

Yes, 7 No, 0

moved by Butkowski, seconded by Olesen to adopt tonight T 97

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

Yes, 7 No, 0

Clerk of Council Norris: T 97 is adopted and becomes permanent resolution 1086-2006.

Permanent Resolution No. 1086-2006

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

- **Second Readings**

T 84-2006 AN ORDINANCE ACCEPTING CERTAIN STREETS IN THE WATERBURY SUBDIVISION, PHASE 1, AND DEDICATING THEM FOR PUBLIC PURPOSES.
Second Reading

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

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

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

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

President Arndt: That concludes our second readings. We have no third readings this evening. We have no old business, which brings us to the finale and the upcoming meeting announcements.

UPCOMING MEETING ANNOUNCEMENTS:

Clerk of Council Norris:

Finance Committee will meet Thursday, June 22, 2006 at 6:00 P.M. in the Conference Room.

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

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

ADJOURN:

moved by Jaenke to adjourn

Meeting adjourned at 9:22 P.M.

MOTION Butkowski 2ND Manning DATE July 5, 2006

YES 7 NO 0 ABSTAIN 0

PRESIDENT OF COUNCIL DR. RONALD F. ARNDT

CLERK OF COUNCIL CHARLES A. NORRIS