

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

**JUNE 7, 2004**

**CALL TO ORDER:** 7:30 P.M.

President Ronald Arndt: The Chair calls to order our North Ridgeville City Council regular meeting dated June 7, 2004. If you all rise for our Invocation followed by the Pledge.

**INVOCATION:** lead by President Arndt.

**PLEDGE OF ALLEGIANCE:** by all.

**CALLING OF THE ROLL - ROLL CALL:**

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

Absent was Council Member Richard Jaenke.

Also, present were Mayor David Gillock, Safety-Service Director Denny Johnson, Law Director Andrew Crites, Engineer Larry Griffith, Auditor Chris Costin and Clerk of Council Chuck Norris.

President Arndt: Before we move into our minutes, I have some happy news to announce tonight and that is, our ward three Council Member, Mr. Dick Jaenke, is recuperating in a very positive way. I've had the opportunity to speak with Mr. Jaenke the past few days and he's very full of spit and vinegar and he's chomping at the bits although, his recovery I think, is a little more challenging than he expected and I know he's watching right now so, for any of us who want to wave and wish Mr. Jaenke a quick and speedy recovery, please do so. It is great news that Dick is doing so well. If the Clerk would be kind enough please, to read our minutes and corrections, if any and our approvals.

**MINUTES - Corrections (if any) and Approval:**

Clerk of Council Norris:

Public Hearing Minutes of May 17, 2004 regarding T 2-2004 REVISED

moved by Butkowski, seconded by Olesen to approve the Public Hearing Minutes on T 2-2004 REVISED

Council Member Young: Mr. President, I'd like to move to amend to strike my name off of the 7:20 P.M. Public Hearing. I made the 7:25 P.M. but, I was tardy to the 7:20 P.M. Public Hearing. I would like to correct the record.

President Arndt: So noted. There is a motion on the floor by Mrs. Butkowski and a second by Mr. Olesen to approve our minutes of May 17, T 2-2004 Revised with the modification so duly noted by Mr. Young. I will request that the Clerk take a roll.

Yes, 5                      No, 0                      Abstain, 1 (Young)

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

**NORTH RIDGEVILLE MUNICIPAL COUNCIL  
REGULAR MEETING**

**JUNE 7, 2004**

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Public Hearing Minutes of May 17, 2004 regarding T 69-2004

moved by Butkowski, seconded by Olesen to approve the Public Hearing Minutes of May 17 on T 69-2004

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

All those opposed by no. Any abstentions?

Yes, 6                      No, 0

Clerk of Council Norris:

Council Minutes of regular meeting held May 17, 2004

moved by Butkowski to approve, seconded by Olesen

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

All those opposed by no. Any abstentions?

Yes, 6                      No, 0

Clerk of Council Norris: Please take note of:

Planning Commission Minutes of regular meeting May 11, 2004;

Civil Service Commission Minutes of regular meeting May 18, 2004; and

Parks & Recreation Commission Minutes of regular meeting April 28, 2004.

**MAYOR AND DIRECTORS REPORTS:**

President Arndt: We now come to the Mayor and Directors reports section of our meeting. The Mayor and our Directors have the opportunity to provide us with an oral report. We would like to begin with the Mayor. Mr. Mayor, is there any report from your office?

**Mayor**

Mayor Gillock: Thank you, Mr. President. First, Council will note on your agenda tonight, T 83, a resolution for an abatement agreement between the City and JBC Technologies. The agreement is for a 75 percent abatement on property taxes over a ten year period. JBC Technologies is the first new business to relocate into our Special Development District area in the I-480, Lorain Road area. This business will be located on property adjacent to the Super 8 motel, all the way in the back, up against the Turnpike in a new industrial park being developed by Mould Development. As part of the agreement, JBC will bring 46 jobs with them immediately and will create 50 new jobs over the next three years. These are manufacturing scale jobs. They cut foam rubber and distribute it into industry. The schools will receive 45 percent of the new income taxes generated by the almost 100 jobs as well as 25 percent of the new property taxes generated for the next ten years and a 100 percent after the ten years are up. The abatement has been approved by our Tax Abatement Review Committee. We certainly welcome these new jobs to our City and ask for Council's approval.

Mayor Gillock: Next, I would like to make a motion to approve an expenditure for 3,000 dollars from the Parks and Recreation Improvement Fund to enclose an open ditch at the Root Road Soccer Complex. This ditch parallels several residents properties. The ditch holds standing water and to correct the ditch to flow properly, it would have to be excavated to a dept of four feet which would not be safe. It would be a great improvement to the park and it is part of another improvement where a new field is being installed. It would consist simply of installing a drainage pipe for the entire 700 feet of the ditch. The cost is, basically, for the cost of the pipe. We would do the work ourselves. You'll find at your place this evening, a copy of the signed agreement from the Parks Commission members approving the expenditure. The ditch needs to be corrected immediately and they will not have another meeting for several weeks which is why Director Spaulding attained their signatures indicating their agreement. This is a formality, you don't actually need their approval or recommendation to spend the money but, it is something we normally do, give them the courtesy of, the Parks and Recreation Board.

moved by Mayor Gillock to expend 3,000 dollars from the Parks and Rec Improvement Fund to purchase and install drainage pipe at the Root Road Soccer Complex, seconded by Buescher

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

Yes, 6                      No, 0

Mayor Gillock: Thank you. Citizens should be aware that President Bush signed a Presidential Disaster Declaration including Lorain County as a result of flooding and storm damage over the May 22 weekend. Residents and or businesses that feel they may be affected or have questions should call the FEMA disaster assistance toll free tele registration hot line at 1-800-621-3362.

Work has begun on the western end of the Center Ridge Road sewer project. Crews began cutting trees last week and hopefully digging will begin sometime later this week.

Please note, refuse collection will not be affected by the July 4<sup>th</sup> holiday observance on Monday, July 5. Please put your refuse on the curb for normal pick up Tuesday, July 6.

Lastly, at their request, we met with Mr. Marsico and his engineer, Mr. Haywood, in regards to their request for temporary sanitary sewer connection across Case Road. We have reached an agreement that the sewers should proceed up Case Road and I would like to ask the Council President to refer this application back to Planning when it comes up on your agenda tonight.

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. We're having some problems with residents parking on both sides of a street. I'd would like residents know where parking is permitted. The side of the street without the fire hydrant is the correct side to park. Street parking is not permitted anywhere in the City between the hours of 2:00 A.M. and 6:00 A.M.

As Mayor Gillock mentioned, the Center Ridge sewer project is underway. The road will be reduced to one lane in each direction during most of the construction project. This will obviously cause some delays for motorists. I ask motorists who can conveniently use an alternative route, please do so.

Lastly, we're experiencing an increase in vandalism on both public and private property. I ask any citizen who witnesses vandalism to please report it to the police. That's the end of my report.

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

**Engineer**

Engineer Griffith: From a storm water management standpoint, my comments tonight, even with the rain we are having, homeowners are finding time to place fertilizer and weed killers on their lawns that along with the rain, is producing very green grass and beautiful flowers. However, the products used and the method of grass clipping disposal can do more harm than good.

According to UAB biology professor Robert August, storm water runoff containing fertilizer can cause just as much damage to waterways as toxic waste and untreated sewage. Fertilizers can poison animals and plant life and cause large amounts of algae growth, robbing water of oxygen. People tend to use too much fertilizer and fertilize too often. Fertilizing before a heavy rain has no benefits since it ends up washing into the storm drains. If fertilizer lands on hard surfaces, it should be swept up or into the lawn. This fertilizer has no other place to go except into the storm drainage system. Also, the combination of all the rain we have been receiving plus the fertilizer produces an abundance of grass clipping. It is best to use a mulching mower and recycle the grass clippings back to the lawn. If you bag or somehow pick up your grass clippings, do not place it in the ditches or streams since the decomposing grass will rob the water of its oxygen plus it impedes water flow.

President Arndt: Thank you, Mr. Griffith. We now have the opportunity to hear from our Auditor. Mr. Costin, do you have a report for us tonight?

**Auditor**

Auditor Costin: Thank you, Mr. President, no report.

President Arndt: Thank you. If the Clerk will read our other reports, please.

**Other Reports**

Clerk of Council Norris: Other reports before Council this evening include:  
Mayor's Court Operating Trust Fund/Bail Trust Fund Report for April 2004 and May 2004;  
Police Department Support Car Report for April 2004;  
Building Department Report for April 2004; and  
Service Department Activity Report for May 10, 2004 through May 31, 2004.

**COUNCIL COMMITTEE REPORTS:**

Clerk of Council Norris:

**SAFETY COMMITTEE REPORT #4235** Members of Council: We have considered the matter of bike helmets, supporting and urging parents to have children wear helmets when bike riding and recommend that this request be approved and a proper resolution be drawn in support of bike helmets.

Signed: Chairperson Allen C. Swindig, Members Nancy J. Buescher and Robert W. Olesen.

moved by Olesen, seconded by Swindig to accept the Safety Committee Report #4235

President Arndt: Is there any discussion?

Council Member Olesen: Mr. President, we had a Safety Committee meeting on this matter and the Police Chief was there and produced a report. We have had, literally, no helmet accidents involving children. Part of it is due to an extensive education program in our schools and availability of Safetyville. With this mind, we didn't feel that new legislation should be created. It's like whipping a dead horse and we decided, at this point in time because of our record, we would issue a resolution in support of this.

Council Member Swindig: Mr. President, that resolution is urging the parents to have their children wear helmets.

President Arndt: As opposed to mandating.

Council Member Swindig: As opposed to mandating.

Council Member Buescher: Mr. President, we feel that it would be a lot more effective if the parents are watching to see that the children are wearing the helmets and hopefully it will work.

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

Yes, 6                      No, 0

**CORRESPONDENCE:**

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

- 1) Received a memo from Mayor Gillock submitting an article published in Crain's Cleveland Business regarding the Del Webb community.
- 2) Received a letter from John Borecki of his interest to purchase City lots on Dyke Avenue.

3) Received a letter from Parks Director Jim Spaulding announcing Parks and Recreation Commission's approval to expend \$1,000.00 for the removal of two trees at Shady Drive Complex and requesting verbal approval.

4) Received a letter from Michael D. Dortch of Baker & Hostetler enclosing a document filed with the PUCO to correct the service list in various cases.

moved by Butkowski to approve the expenditure of 1,000 dollars from the Parks and Recreation Improvement Fund to remove two trees

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

Yes, 6            No, 0

**NEW BUSINESS:**

President Arndt: We now come to new business. Will the Clerk please read the first of two pieces of new business.

Clerk of Council Norris:

Request for new C1 and C2 liquor permits for Millers Mills Creek Marathon Inc., 32700 Center Ridge Road.

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

moved by Olesen, seconded by Young that we not request a hearing

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

Yes, 6            No, 0

Clerk of Council Norris:

Petition requesting improvements by property owners comprising of more than sixty percent of the front footage; requesting construction and installation of culvert pipe and filling of rear drainage easement of the nine residents on the south side of Oxford Court, north of Elder Street. This request is also being extended by the one resident affected by this drainage easement on the west side of Ridgeview Blvd. south side of property.

President Arndt: The Chair is going to refer this to the Engineer so that he can verify the front footage and be assured that 60 percent of the residents have indeed signed the petition. Also, I would like to refer it to the Law Department to make sure that the language is appropriate and correct and thirdly, refer it to STREET, SIDEWALKS & BRIDGES COMMITTEE. I ask that

we move on this as expeditiously as possible.

**AUDIENCE PARTICIPATION (Lobby):**

President Arndt: We now reach the audience participation section of our meeting tonight. Any members of our audience are invited to address your Council. We request that you fill out the lobby form that you can find in the back of the room because it enables us to contact you personally if there should be a reason or a need for follow up. You are now welcome and invited to approach the podium next to Mrs. Buescher. However, please state your name and address, clearly if you will, and limit your comments to three minutes. The lobby is now open.

1) Donald Leahy of 35137 Oak Street spoke regarding parking on Oak Street. Explained that their parking problem started from a mailbox being blocked and mail not being delivered. Complained of a home with four foot grass. Spoke of a neighbor who received an 80 dollar ticket for blocking a sidewalk. Explained that most people on the street have more than one person in the home that drives. Stated that other 19 and a half foot streets allow parking. Stated that he would like to have the parking ban on one side of the street removed. Stated that streets haven't been repaired in a long time.

2) Lori Hessoun of 35113 Oak Street spoke on the parking issue on Oak Street noting that she has three drivers in her home. Explained that she had parked in the street one day when her driveway was full and received a warning and was told not to park in the street, park in the yard. Stated that she has lived on this street for 23 years and has never had to deal with a situation such as this. Stated that if Oak Street is going to be policed in this manner, that all streets are policed in the same manner.

Council Member Buescher: Mr. President, I would like to say that Mr. Johnson and the Mayor and I have been working on this issue and we understand the problem and we are definitely working on it to come to a solution. I know you had a lot of questions for me that I couldn't answer for you immediately today but, we're looking at all of it and we are definitely going to try and come to a solution for you.

Mrs. Hessoun asked if the parking tickets were going to be waived and stated that they were told by the Police Officer to park in the yards. We park in the yards and we got tickets.

President Arndt: The Chair requests some insight and direction from our Safety-Service Director, Mr. Johnson.

Safety-Service Director Johnson: Thank you, Mr. President. We're well aware of the problem on Oak Street and there are several courses that we could take. There's not clear authority, under my authority, to pull those signs. I would like to request a meeting of Streets, Sidewalks & Bridges Committee and see if the administration and Council can put our heads together and

reach a resolution to the problem. I think we can take care of it rather quickly with one meeting. Council Member Buescher: One concern is that the residents, if you were able to park on the street, that those mail boxes would not be blocked because that is where the issue started and it seems like that was something that should of been resolved quickly and wasn't.

Law Director Crites: Mr. President, if I may, I have a couple of questions. Were all the citations issued for illegally parking in the street after the signs were posted or were they also for parking in the yards which you did, you're saying, out of a lack of alternative.

Mr. Leahy: I don't know if anyone was actually ticketed for parking in the street. Those were just given as verbal warnings.

Mrs. Hessoun: My neighbor who is across the street who is also new, was out of town, he came home and parked in the street. His wife was out with a leaf blower blowing her driveway, I don't know, I did not get the officer's number, parked about a house and a half from their house while he was in the house or in the back and she is blowing her driveway. While she was doing that he ticketed her car. Now, I don't know of anybody who parks there car in the driveway so they can blow it with a leaf blower.

Law Director Crites: And that vehicle is actually parked. . .

Mrs. Hessoun: Right in front of their house. He didn't go up and say, you know, I'm here. It was clearly visible the woman was leaf blowing or blowing the debris from her driveway.

Law Director Crites: If I may say it to you and the rest of the City who's listening, what I would suggest, and by no means do I wish to undermine our law enforcement officers who are just interpreting our code literally in doing what they believe to be their job, we're going to meet with them, with the Safety-Service Director to further discuss this and try to come to a resolution.

With that being said, my bit of advice as the Law Director would be, please tell your neighbor, what I would suggest is, don't waive that ticket, don't pay it yet. Come to Mayor's Court because at our Mayor's Court there are representatives in my department, if not myself, one of my prosecutors who would talk with them, meet with them and try and get a better understanding of the situation and hopefully work it out in a way that everybody would be happy.

Mrs. Hessoun: It's going to turn volatile if something doesn't happen. It's getting extremely tense.

Council Member Buescher: May I ask one more question, do you park on that street at night?

Mrs. Hessoun: No, at night everybody finds a home for their cars and their friends have left and now there's room. I had to move my car as many as five times in one day because the kids come home, they need to get up to the garage to work on the car, work on their truck so, you're moving. I wasted a quarter tank of gas just coming in and out of my driveway.

Council Member Young: Mr. President, can I get a show of hands of all those people who are on that street that have come here tonight? Let me first applaud you for your activism and enthusiasm on this issue. As a City it's not an us versus them or you versus us mentality. It's us, working together. We all work together on these issues. I want you to stay involved. Use tonight and use the energy from tonight to put all your names and addresses together so you can stay in communication with one another and maybe sign a letter so we have something on paper

with all your names on it and your requests so that we can make sure that all of your requests are addressed. It's important that you've raised a number of different issues but, it seems like parking is the seminal one. Prioritize those issues that you would like us to address and we look forward to hopefully seeing you at some of the committee meetings. Thank you for coming.

Council Member Buescher: I will call a meeting as soon as possible and we'll get right to it.

President Arndt: The Chair wants to refer this to STREETS, SIDEWALKS AND BRIDGES.

As we've heard our Safety-Service Director, there's a very strong chance that we can get this resolved without fisticuffs and negative communications and as Mr. Young has stated, it is our intention as your Council people to work in whatever ways that we can to bring resolution to it. Thank you for bringing it to our attention and before we complete, our Safety-Service Director has a comment.

Safety-Service Director Johnson: Does anybody have the address of this house with the tall grass?

Mrs. Hessoun: It's on the picture.

President Arndt: The tall grass is gone now.

Mrs. Hessoun: My son, my daughter's boyfriend and her husband spent a couple of hours with a push mower to cut down that grass.

Safety-Service Director Johnson: My thanks to both of you and we will see that it's kept up.

President Arndt: Are there any other comments from the lobby? Thank you for your feedback.

Are there any other issues to be brought before your Council tonight before we move into recess?

The Chair calls for a ten minute recess. We will reconvene at 8:20 P.M.

**RECESS** from 8:10 P.M. to 8:20 P.M.

**ORDINANCES AND RESOLUTIONS:**

President Arndt: The Chair reconvenes our meeting after recess and requests that our Clerk read our ordinances and resolutions.

• **Ordinances & Resolutions Submittals**

Clerk of Council Norris:

T 79-2004     AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ENTER INTO A PARTICIPATION AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF SODIUM CHLORIDE FOR THE 2004/2005 WINTER SEASON, PURSUANT TO RESOLUTION NO. 693-90.

             moved by Olesen, seconded by Butkowski to give T 79 its first reading tonight

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

All those opposed by no. Any abstentions?

             Yes, 6                No, 0

President Arndt: Before the Clerk reads T 80, T 81 and T 82, just a reminder that we have not yet approved the Planning Commission action yet and it will show up tonight under old business and we'll find out a little bit more about the performance bonds at that time.

Council Member Olesen: May I ask a question? I'd like to vote that we do give this a first reading tonight if the performance bond is in place and I'm not going to do that unless I have assurance, at this point in time.

President Arndt: Then I would check with the Engineer, if you could verify on these three pieces of legislation if those performance bonds have been satisfied.

Engineer Griffith: No, they have not. What the developer has chosen to do, unlike what most developers have been doing lately, he has chosen to install the improvements prior to the City accepting the plat instead of the way we have been doing it with our subdivisions. So, if he's going to install the improvements before we actually accept it, then there's no need for a performance bond. Now, at Council's discretion, they could give it first, second reading but, hold off on the third, whatever Council would like to do.

Council Member Butkowski: Mr. Chairman, the process of installing takes quiet awhile and then we have to have approval of all that. It would be my suggestion to wait, if that's what they choose to do, let's just wait until they do it and come back to us and we can approve it but, wait until they are finished and come back to us and let us know they are finished.

President Arndt: Are there any other comments from anyone else? Am I hearing you say, Mrs. Butkowski, that we postpone these readings?

Council Member Butkowski: Yes.

President Arndt: On T 80, T 81 and T 82. May I hear a motion to that effect?

move by Butkowski to postpone T 80, T 81 and T 82 until they come back to us and tell us they have completed their project, seconded by Young

Council Member Young: Mr. President, now that we're in the true discussion portion of this, just by postponing, I think this sends a message to those who are developers or who utilize our services and everything else, send them a message that makes sure your I's are dotted and your T's are crossed before you come to us. Show us that you want us to act on whatever legislation is that you wanted us to act on as opposed to just coming forth with it. Show us how badly you want it and we'll help you out.

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

Mayor Gillock: I'm not sure that postponing it really serves our purpose here. I don't think it's a huge issue but, it's not uncommon that developers install the improvements rather than posting the bond guaranteeing that they will at a later date. I think what the Engineer is saying is, we can let this go through our normal procedures, new business tonight, first reading next meeting, second. Just don't ever adopt it otherwise, if we don't, we're going to set here waiting and I don't want Council or the City to be in a situation that when he finally does his improvements, then he wants all this done in one night with the emergency clause which we don't like to do so, now we're stringing it out another two months. I don't know if this is really serving our purpose by postponing because we're going to gain that two months time just letting it work its way

through the system, just my opinion.

Council Member Buescher: Mr. President, I agree with what the Mayor said. We will still have the ability to not adopt if it isn't taken care of. I think we should just go through the process to that point and then we can say no and if the developer doesn't stand behind his promise then, he will be the one who will be refused.

President Arndt: Question that I have of the Engineer, if these utilities and so forth are installed so that, if I understood correctly, the performance bond, then you're saying is really not necessary, is that correct?

Engineer Griffith: That's correct.

President Arndt: Does the performance bond in any way assure that these systems that are installed are performing appropriately and they are done correctly or is that a very separate issue?

Engineer Griffith: That is a separate issue. It doesn't make any difference whether there's bonds or not when it comes to our inspecting the work. Maybe I didn't go into enough detail but, if we do postpone, essentially what we will be doing is taking the time track, for the developer will be extended, and we will have streets and utilities out there, they're completed, whether for homes to be built and we're going to have a problem issuing permits because we have to wait on Council to act on the plat.

President Arndt: Am I also hearing that this is a typical approach to this, to the way we're doing our development? In other words, putting these things in, these improvements like you just described, before the plans? Are we seeing this as an unusual and unique set of circumstances?

Engineer Griffith: It hasn't been done since I've been here. To my knowledge, prior to my coming here, no one has done it this way. That doesn't mean that they couldn't but, no one has chosen to do so.

Council Member Butkowski: Mr. Chairman, I made that motion to postpone to make a statement that they have wasted a lot of our time. All of this didn't have to take place and all this discussion wasn't necessary. We would have known up front what was going on but, they chose not to. That's why I made the motion to postpone this here tonight.

Council Member Young: Mr. President, I again, am in favor of postponing this because it's a matter of precedent. We don't want to let all the developers come in and figure, ooh we got two months to get things through City Council, we can wait for the first reading, second, third reading. We've got plenty of time to get the performance bonds or what have you in order to get things done. I think it's important to get their ducks in a row before they come to us and then we'll act on everything instead of waiting for that first reading, second reading. We can always suspend that at a later date to show in good faith our interest in ultimately accepting this plat. Thank you.

Council Member Buescher: Mr. President, I'm just curious as to why a performance bond wasn't taken care of and why when we brought it to their attention they changed their minds. What is the advantage of one over the other and why would they decide to do that differently? I'm asking the Engineer.

Engineer Griffith: What I was told by the developer is that it has something to do with his

financing and that's the reason why he has chosen to do this. He originally was not intending to do this. But, something to do with his financing, that's the reason why he has chosen to go this way.

Council Member Buescher: Then he originally wasn't intending to have a performance bond and that sends up a red flag.

Engineer Griffith: He originally was intending to have a performance bond but, something to do with his financing he said that he wants to go ahead and build it.

Council Member Olesen: Mr. President, I think that, if what I'm hearing is correct, this developer has not done anything illegal and I think that if we stop him right now, as our Mayor said, we would be asked to put the emergency on to get that project off the ground. Council still has the power, on the third reading, to sit on it if they want to and that's why I think, that's what we should do.

Council Member Buescher: Mr. President, taking everything into consideration I will agree with Mr. Olesen because we will still have the opportunity before the final acceptance to refuse.

President Arndt: Have we completed our conservation? Because we do have a motion on the floor by Mrs. Butkowski and a second by Mr. Young to postpone any action on T 80, T 81 and T 82. Before we take a vote, is there any final discussion? I will request that the Clerk take the roll.

Yes, 2                      No, 4 (Buescher, Swindig, Olesen, Arndt)

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

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

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

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

T 83-2004      AN RESOLUTION OF THE COUNCIL OF THE CITY OF NORTH  
RIDGEVILLE AUTHORIZING AN ENTERPRISE ZONE ABATEMENT  
AGREEMENT BETWEEN THE CITY OF NORTH RIDGEVILLE, OHIO, AND  
J.B.C. TECHNOLOGIES, INC., A CORPORATION ORGANIZED AND  
EXISTING UNDER THE LAWS OF THE STATE OF OHIO; AND  
AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NORTH  
RIDGEVILLE TO EXECUTE THE AFORE-MENTIONED AGREEMENT ON  
BEHALF OF THE CITY OF NORTH RIDGEVILLE; AUTHORIZING AND  
DIRECTING THE CLERK OF THIS COUNCIL TO TRANSMIT A  
CERTIFIED COPY OF THIS RESOLUTION ALONG WITH THE

**ENTERPRISE ZONE AGREEMENT TO THE BOARD OF LORAIN COUNTY  
COMMISSIONERS FOR FURTHER CONSIDERATION BY THE BOARD.**

moved by Young, seconded by Olesen to suspend By-Laws to give T 83 its first reading tonight

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

Yes, 6                      No, 0

• **First Readings**

T 79-2004      AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH  
4034-2004      RIDGEVILLE, OHIO, TO ENTER INTO A PARTICIPATION AGREEMENT  
WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE  
PURCHASE OF SODIUM CHLORIDE FOR THE 2004/2005 WINTER  
SEASON, PURSUANT TO RESOLUTION NO. 693-90.

First Reading

moved by Swindig, seconded by Young to dispense with second and third readings on T 79

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

Council Member Swindig: I have a couple of questions on this. I know, number one, we do it every year but, the big question I have that saves the City a lot of money with this bid process with the State for the salt, there is a deadline or cutoff date that I would like to know what it is.

Safety-Service Director Johnson: Mr. Swindig, we just found out last Friday that there was a deadline and I'm sorry, I don't have it at hand right now, but it is very close. I would appreciate the emergency clause if we can get it tonight.

Council Member Swindig: You do need the emergency, that was my next question. Thank you.

Mayor Gillock: Mr. President, the other thing I would add, by participating in this contract which, as Mr. Swindig said, it saves a lot of money, it also gives us a more guarantee supply. A couple of years ago when salt was running out and was not available we were still able to get our salt by going through this procedure.

President Arndt: Because we had been pro-active?

Mayor Gillock: Correct.

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

Yes, 6                      No, 0

moved by Swindig, seconded by Young to adopt

moved by Swindig, seconded by Young to add the emergency to T 79 for the benefit of saving the City money and achieving our deadlines

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

Yes, 6                      No, 0

President Arndt: We have an additional motion on the floor by Mr. Swindig and a second by Mr. Young to adopt tonight T 79 with the emergency. Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6                      No, 0

Clerk of Council Norris: T 79 is adopted with the emergency and becomes permanent ordinance 4034-2004.

Permanent Ordinance No. 4034-2004

T 83-2004                      AN RESOLUTION OF THE COUNCIL OF THE CITY OF NORTH  
1011-2004                      RIDGEVILLE AUTHORIZING AN ENTERPRISE ZONE ABATEMENT  
                                     AGREEMENT BETWEEN THE CITY OF NORTH RIDGEVILLE, OHIO, AND  
                                     J.B.C. TECHNOLOGIES, INC., A CORPORATION ORGANIZED AND  
                                     EXISTING UNDER THE LAWS OF THE STATE OF OHIO; AND  
                                     AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NORTH  
                                     RIDGEVILLE TO EXECUTE THE AFORE-MENTIONED AGREEMENT ON  
                                     BEHALF OF THE CITY OF NORTH RIDGEVILLE; AUTHORIZING AND  
                                     DIRECTING THE CLERK OF THIS COUNCIL TO TRANSMIT A  
                                     CERTIFIED COPY OF THIS RESOLUTION ALONG WITH THE  
                                     ENTERPRISE ZONE AGREEMENT TO THE BOARD OF LORAIN COUNTY  
                                     COMMISSIONERS FOR FURTHER CONSIDERATION BY THE BOARD.

First Reading

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

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

Yes, 6                      No, 0

moved by Mayor Gillock, seconded by Young to adopt T 83

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

Yes, 6                      No, 0

Clerk of Council Norris: T 83 is adopted and becomes permanent resolution 1011-2004.

Permanent Resolution No. 1011-2004

•                      **Third Readings**

T 2-2004                      AN ORDINANCE AMENDING CHAPTER 1286, SIGNS.

REVISED

4035-2004                      Third Reading

moved by Olesen, seconded by Butkowski to adopt

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

All those opposed by no. Any abstentions?

Yes, 6                      No, 0

Clerk of Council Norris: T 2 Revised is adopted and becomes permanent ordinance 4035-2004.  
Permanent Ordinance No. 4035-2004

T 51-2004      AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS  
4036-2004      AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A  
MANNER PRESCRIBED BY LAW FOR THE MILLS CREEK LANE  
WATERLINE REPLACEMENT FROM CENTER RIDGE ROAD TO SHADY  
MOSS LANE AND FERN TREE LANE TO MILLS ROAD, NOT TO EXCEED  
\$380,000.00.

Third Reading

moved by Olesen, seconded by Buescher to adopt T 51

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

All those opposed by no. Any abstentions?

Yes, 6                      No, 0

Clerk of Council Norris: T 51 is adopted and becomes permanent ordinance 4036-2004.  
Permanent Ordinance No. 4036-2004

T 52-2004      AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS  
4037-2004      AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A  
MANNER PRESCRIBED BY LAW FOR THE ROOT ROAD WATERLINE  
REPLACEMENT BETWEEN BAINBRIDGE ROAD AND THE OHIO  
TURNPIKE, NOT TO EXCEED \$215,000.00.

Third Reading

moved by Butkowski, seconded by Olesen to adopt T 52

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

All those opposed by no. Any abstentions?

Yes, 6                      No, 0

Clerk of Council Norris: T 52 is adopted and becomes permanent ordinance 4037-2004.  
Permanent Ordinance No. 4037-2004

T 53-2004      AN ORDINANCE ESTABLISHING A RIGHT-OF-ENTRY FOR THE  
STORMWATER MANAGEMENT PROGRAM AND FOR  
ENVIRONMENTAL SAFETY PURPOSES.

Third Reading

President Arndt: The Chair REFERS T 53 TO THE UTILITIES COMMITTEE

T 59-2004      AN ORDINANCE ACCEPTING THE FINAL PLAT OF JORDAN PLACE AT  
4038-2004      WATERBURY PCD.

Third Reading

moved by Olesen, seconded by Swindig to adopt T 59

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

Yes, 6                      No, 0

Clerk of Council Norris: T 59 is adopted and becomes permanent ordinance 4038-2004.  
Permanent Ordinance No. 4038-2004

T 60-2004      AN ORDINANCE ACCEPTING THE FINAL PLAT OF STONEBRIAR  
4039-2004      SUBDIVISION (CLUSTER).

Third Reading

moved by Olesen, seconded by Buescher to adopt T 60

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

Yes, 6                      No, 0

Clerk of Council Norris: Council has adopted and it becomes permanent ordinance 4039-2004.  
Permanent Ordinance No. 4039-2004

T 70-2004      A RESOLUTION APPROVING REIMBURSEMENT OF FILING FEES TO  
1012-2004      ELECTED OFFICIALS.

Third Reading

moved by Butkowski, seconded by Buescher to adopt T 70

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

Council Member Swindig: I think we're opening a can of worms because you're going to have everybody that ran in the primary and everything else, I think we would have to pay their filing fee for the Ethics Commission too and I really think we should not pass this.

President Arndt: For the sake of clarification, I would like to just check with the Law Director so that we can all be clear on this. Is this just for elected officials or is it for anyone who runs for office who then is obligated to complete this form?

Law Director Crites: It's narrowly tailored enough that it would be just for elected officials so I would counter that half of Councilman Swindig's statement. I would like to go on record saying, I agree with the first half of Mr. Swindig's statement and that is the can of worms part. But, I think I've expressed that privately to other members of Council and leave it up to them. I would further like to state that I did have, run it by the State Auditor's office who approved my original opinion and my opinion is and will continue to be to do this would be legal as confirmed by the State Auditors. It's just a question of whether or not each individual Council Member on his own vote would find it advisable.

Council Member Young: Mr. President, first off, I am an opponent of this because, it's just 25 dollars and in times of economic crunches and belt tightening, I think we as Council Members should show our residents that we too are tightening the belt as opposed to expanding the belt by

asking for an additional 25 dollars which is a minor contribution seeing how the tax payers do pay our bill as is. Thank you.

President Arndt: Is there any other discussion? Yes, Mrs. Butkowski?

Council Member Butkowski: Mr. Chairman, these fees have gone up 150 percent for Council people. It had been 10 dollars. Also, it's approved in other Councils under appropriations. It was left out of appropriations this year and that's why we're having a resolution. This was approved by all Council people in a voice vote a couple of months ago without any discussion. We do cover other licenses and permits for other City employees and this is just added to the rest of them that are covered.

President Arndt: So, it is my understanding, Mrs. Butkowski, that this, should this pass, would become a line item that's appropriated in the City's budget going forward?

Council Member Butkowski: It could be included next year, yes.

Council Member Swindig: Mr. Chairman, I really think, going along with Mr. Young that, I think with the belt tightening, you should show that we can tighten our belts too. The residents are paying for different classes for us Council Members which cost a little bit more than the ethics fee and which I have no problem with because training is good and everybody needs it but, I think this 25 dollars should be a gesture that we pay ourselves.

President Arndt: Thank you, Mr. Olesen?

Council Member Olesen: My only comment, I was against this two weeks ago and as I set here and think about it, if you look at the City records, you'll find that certification fees, etcetera, etcetera are paid for City employees and I think, as City employees, who are probably the lowest paid people on the totem pole for the City, that I have no problem with authorizing this. It's not the 25 dollars, it's the principal of the thing. Why should Council Members be penalized and have to pay this? What if it's 50 dollars next year and 100 the year after that. Do we just sit on it and pay it because we're making those tremendous salaries doing this? I've changed my mind and I think I'll side with Mrs. Butkowski on this.

Council Member Young: Mr. President, I remain an opponent to this, simply the fact that City employees are not elected officials and we as elected officials have a duty to represent the interest of the citizens and we have the power of the purse which is citizens tax paying dollars and we're asking citizens to hang in there with regard to roads, streets, sidewalks and any number of other issues and we too can tighten our belts.

Council Member Swindig: Mr. Chairman, one more comment. I've been around long enough. I remember when we weren't paying a fee to the Ohio Ethics Commission. It was free. Then they charged 10 dollars. Then they raised it to the 25 dollars. I think if we have to register a complaint, we should go to a resolution to the State having them remove it.

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

Mayor Gillock: I have a question. I guess I will make a comment that, this seems to be somewhat discriminatory that we would pay this fee for those who win but, if you lose, you're on your own. If you win you do get paid a salary so, there is some funds there. My questions is, section one states that Council would authorize reimbursement of the filing fee to each elected

official, it doesn't say elected official, is this only the City? Is it only for Councilmen? Is it the Mayor? Is it Judge Betleski? Judge Musson? Who is it? Maybe the Law Director can answer but, it just says to each elected official and should it be more specific or does that open up another can of worms?

President Arndt: I direct that question to the Law Director.

Law Director Crites: Implicitly, because this Council only has power over the City. We can't pass an ordinance over what Judge Betleski does over in common pleas. We can try but, I don't think it will work.

Mayor Gillock: He's an elected official from the City of North Ridgeville.

Law Director Crites: That's a pretty interesting argument. He is from North Ridgeville but, he was not elected to serve North Ridgeville. He was elected to serve Lorain County Common Pleas. So he is from North Ridgeville so I wouldn't think that would be a problem. It wouldn't be hard to add City employee or municipal employee or elected to serve the City of North Ridgeville. That's an interesting reading.

Council Member Olesen: Mr. President, for the record, I will decline my reimbursement on this. I am still in favor of it because, down the road, we don't know what these fees are going to be and some of the people who run for Council maybe can't afford this extra 25 bucks or 50 bucks, whatever it might be down the road. I will still be for it and I will decline my reimbursement and I will tell the Auditor as such.

President Arndt: I like that approach quite frankly. I, like Mr. Olesen and Mrs. Butkowski and I think, Mrs. Buescher does believe that these are areas that might well be appropriately reimbursed and as such will support that however, I too will decline my 25 dollar reimbursement. There being no other conversation around our 25 dollars, we have a motion on the floor by Mrs. Butkowski and seconded by Mrs. Buescher to accept T 70 tonight. I will request that the Clerk take a roll.

Yes, 4                      No, 2 (Swindig, Young)

Clerk of Council Norris: Motion is approved by a vote of four to two and becomes resolution 1012-2004.

Permanent Resolution No. 1012-2004

T 69-2004            AN ORDINANCE AMENDING ALL SECTIONS OF THE PLANNING AND  
4040-2004            ZONING CODE REGARDING COMPUTATION OF STORM WATER.

Third Reading

moved by Butkowski, seconded by Olesen to adopt T 69

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

Yes, 6                      No, 0

Clerk of Council Norris: T 69 is adopted by voice vote and becomes permanent ordinance 4040-2004.

Permanent Ordinance No. 4040-2004

**NORTH RIDGEVILLE MUNICIPAL COUNCIL  
REGULAR MEETING**

**JUNE 7, 2004**

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**OLD BUSINESS:**

President Arndt: If our Clerk will please read our old business.

Clerk of Council Norris:

APPLICANT: Joseph Marsico, 102 Canterbury Road, Elyria, OH 44035

OWNER: Same

REQUEST: Preliminary Subdivision Approval

LOCATION: Case Road

Permanent Parcel No. 07-00-043-101-025

PC ACTION: Approved

President Arndt: The Chair, in light of the current circumstances and also at the request of our Mayor will REFER THE MARSICO PROPERTY BACK TO THE PLANNING COMMISSION.

APPLICANT: Oster Construction, 6150 Park Square Drive #A, Lorain, Ohio 44053

OWNER: Same

REQUEST: Final approval for Windsor Point Subdivision No. 3

LOCATION: Stoney Ridge Road and the border of Avon in an R1 District

Permanent Parcel Nos. 07-00-031-000-001, 002, 003, and  
07-00-042-101-035

PC ACTION: Approved

Council Member Young: Mr. President, I move that we postpone all three of these, again, since we saw fit to postpone them last time and error on the side of caution to make sure these developers dot all their I's and cross their T's before they come to Council with their request.

Council Member Young: I move to postpone all three of the Oster Construction requests until such time as we're certain of the performance bonds.

Council Member Butkowski: Second

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

Engineer Griffith: By postponing this action I will then be placed in a position where I will be required to approve plans that Planning Commission has not approved the layout for. Planning Commission hasn't approve the layout for the subdivision, how can I approve the plans for that layout?

Law Director Crites: If I may. Are they not required by code, before Planning Commission can approve them, that the bond be posted.

Engineer Griffith: No.

Law Director Crites: Is this by procedure?

Engineer Griffith: They are only required, as I understand it, to post the bond so Council can accept the plat.

Law Director Crites: So, this is just preliminary approval.

Engineer Griffith: This is just approval of the subdivision which, as I understand it, has to be

approved or I can't approve the plans. Therefore, if they don't have approved plans, how can they build the subdivisions?

Law Director Crites: Normally, a developer invests any money in the project before they get this preliminary approval. Part of which is probably purchasing the bond.

Mayor Gillock: Mr. President, what we're saying here is, we can approve Planning Commission's actions but, the other three which are the plat approvals which we postponed, which you need the bonds, they'll never be recorded until we have Council's approval. The Engineer can't review the plans until Planning says it's okay to review the plans which takes your approval. It's kind of like we got the cart before the horse.

President Arndt: We've created a conundrum here as Mrs. Butkowski has said, if things had just gone according to hoyle we wouldn't find ourselves in this situation. What I'm hearing the Mayor say and our Engineer is, if we don't approve the Planning Commission's actions, then we find ourselves in a situation that the Engineer then is hamstrung.

Mayor Gillock: Not only that, I don't think it's unusual that a developer puts in the improvements rather than getting the bond. This one is a little different where he was going to get the bonds and then he's not for whatever reason. I may be wrong but, I believe we've had other phases and developments where instead of getting the bond they went ahead and put the improvements in, haven't they?

Engineer Griffith: Not since I've been here.

President Arndt: Going forward, presuming that's legal, it would strike me that, at the very least, we have some communication that informs us in advance so we do indeed know what is happening here. Yes, Mr. Griffith?

Engineer Griffith: If I may, the two communities I worked for prior to coming here or in excess of 20 years, this procedure that Oster is doing, that's the procedure that they require. There was no posting of any performance bonds because both of those communities required the improvements to be in before they would approve the plat. For me personally, coming to North Ridgeville, this was a little different because this was not the procedure I was accustomed to.

Council Member Buescher: Mr. President, I have to agree with Mr. Griffith. I think that this does make sense. That all of the requirements would be in place before final approval and I still say that we have the opportunity to say no if they are not all in. I believe we should go forward with it.

Council Member Young: Mr. President, clearly we see red flags and red tape and we don't want our citizens to see red either. I think that our forefathers put the current system in place because they demanded excellence and I think we too should demand excellence from our developers and not be wishy washy with regard to what they're going to do or what they're not going to do. We originally saw it fit at the last Council meeting to postpone this because we thought it was important enough to postpone and now, we're going back on that. I'm a little uncertain as to what precedence we're trying to set and what message we're trying to send out to the developers. I think we should demand excellence every time. I think all I's should be dotted and all T's should be crossed and I won't say that again the rest of this season.

President Arndt: For the sake of clarity, earlier tonight under our ordinances and resolutions, they were read so, the next Council meeting will represent its first reading. My understanding would be that we could give it its first and second reading and decide not to approve it if indeed we found that things weren't in order. Am I correct?

Council Member Young: Yes. Mr. President, I request that we get some clear memo or something with regard to all of these because we postponed this originally based on the Engineer's comments to us and now we're not postponing it and nothing has changed.

Council Member Buescher: Mr. President, isn't the point of posting the bond to make sure that everything is in place.

Engineer Griffith: That's correct.

Council Member Buescher: So, if he's promising to put everything in place before he gets final approval, what is the difference? I see no difference.

Engineer Griffith: I have to admit that I am a little confused here because I don't see the distinction here either and there's actually two ways to do it and up until this time, everyone has chosen to do one way and now, they've chosen to do it the other way which is permitted and I think the differences seem to have thrown everyone into a quandary here.

Council Member Olesen: Mr. President, I will go back to my earlier point. Nothing here is illegal. This is a way to do this job and get it done. I don't think we can postpone it. We can always do nothing with it or hold it or veto it or whatever we want to do at the time of that third reading but, I don't think at this point we should be postponing it again.

Council Member Swindig: All we are approving is the Planning Commission's action. We're not approving giving him final approval. We're just approving what the Planning Commission did. We still have the final say when it comes back in for the ordinance, correct?

President Arndt: That is correct.

Council Member Butkowski: Mr. Chairman, this whole thing should not have ever gotten out of Planning Commission. In their report that was how I knew they didn't have any bonds. It said they hadn't posted a bond. They hadn't posted a bond. They hadn't said they were going to put in the improvements in lieu of a bond or anything else. The Planning Commission should have never approved it and sent it out of the Planning Commission to us until they had that information. Now, we're getting it here so, we're getting legislation, we're getting Planning Commission. We shouldn't have any of this.

President Arndt: Going forward, just for clarification purposes, is that an appropriate place to be nipping these kinds of issues in the bud is prior to coming out of the Planning Commission that these things are taken care of, these bonds are posted and that's all clarified before it comes to City Council.

Mayor Gillock: Mr. President, I don't believe Planning Commission normally inquires to whether they have their bonds in place or not. They're basically looking to whether it meets our ordinances. Really, the bonds come through the Engineering and Law Department. At the last meeting when we talked about this, we did have this discussion and we talked about the bonds being rolled over. Originally, Mr. Griffith felt that the bonds were in place but then we weren't

sure so we postponed it. Apparently, the developer has decided to go another direction so there has been a change. I agree with what Mr. Young is saying about excellence and dotting I's and crossing T's. The only way we can do that is to review the plans. We can't review the plans, we can't assure ourselves that they are dotting I's and crossing T's and I think, in my opinion, Council has kind of gotten us in this conundrum here, between a rock and hard place. As Mr. Swindig said, we're just approving Planning's actions. It's still Council's authority and duty to grant the final approval and if they haven't done the work or bonded it, then you shouldn't approve it but, I think to hold the whole process up at this point, we're getting the cart before the horse again.

President Arndt: One more comment and then the Chair will call the question. Yes, Mr. Olesen?

Council Member Olesen: I'm enlightened. I didn't know that there was another way to do this until tonight because we've always required a performance bond. From everything I'm hearing, it's okay to do it yourself. So, I see no reason at all to delay this.

President Arndt: The Chair calls the question. We have on the floor a motion by Mr. Young. A second by Mrs. Butkowski.

Council Member Young: Mr. President, I withdraw my motion.

Council Member Butkowski: And I'll withdraw my second.

President Arndt: Motion and second has been withdrawn.

Council Member Young: Mr. President, I ask the Law Director to review this over. See whether or not we're doing things properly. Whether or not we're following our code and our procedures. Whether or not there is one way, two ways, three ways, four ways and let's get it straight and let's educate the Council Members.

Council Member Buescher: Mr. President, may I say that I don't think Council put us into a problem. We should be discussing these things and I appreciate the fact that Mrs. Butkowski did bring this up because there was no performance bond posted and she was 100 percent correct in bringing that to our attention.

President Arndt: Thank you. The Clerk has read the applicant. I would entertain a motion for Planning Commission action approval.

moved by Olesen, seconded by Swindig to approve the Planning Commission Action on the first of the Oster construction project, Windsor Point Subdivision

President Arndt: Is there any discussion? I will ask the Clerk to take roll.

Yes, 5                      No, 1 (Young)

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

|            |                                                                                                       |
|------------|-------------------------------------------------------------------------------------------------------|
| APPLICANT: | Oster Construction, 6150 Park Square Drive #A, Lorain, Ohio 44053                                     |
| OWNER:     | Same                                                                                                  |
| REQUEST:   | Final approval for Stone Creek Estates Subdivision No. 3 - (PHASE 3)                                  |
| LOCATION:  | Stone Creek Estates, off Stoney Ridge Road in an R1 District<br>Permanent Parcel No 07-00-032-000-367 |

**NORTH RIDGEVILLE MUNICIPAL COUNCIL  
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PC ACTION: Approved

moved by Olesen, seconded by Swindig to approve Planning Commission Action with regard to the Stone Creek Subdivision No. 3

President Arndt: Is there any discussion? I will request that the Clerk take a roll please.

Yes, 4 No, 2 (Butkowski, Young)

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

APPLICANT: Oster Construction, 6150 Park Square Drive #A, Lorain, Ohio 44053

OWNER: Same

REQUEST: Final approval for Villas of Stone Creek Estates Subdivision No. 2  
(PHASE 2)

LOCATION: Stone Creek Estates, off Stoney Ridge Road in an R1 District  
Permanent Parcel No 07-00-032-000-368

PC ACTION: Approved

moved by Olesen, seconded by Swindig to approve Planning Commission Action with regard to the Villas of Stone Creek Estates Subdivision No. 2

President Arndt: Is there any discussion? I will request that the Clerk take a roll please.

Yes, 4 No, 2 (Butkowski, Young)

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

President Arndt: The Chair does support the request by Mr. Young of our Law Director to please give us some clarity on this so that we don't find ourselves in this situation once again. Between you and our Engineer, I believe, we can come up with some appropriate steps so that we don't find ourselves in this same situation. Upcoming committee meeting announcements, if our Clerk would please read.

**UPCOMING COMMITTEE MEETING ANNOUNCEMENTS:**

Clerk of Council Norris: Next Regular Council Meeting Monday, June 21, 2004 at 7:30 P.M. in Council Chambers.

Council Member Butkowski: I have a committee meeting announcement. Finance Committee meeting Monday, June 14 at 2:00 P.M. in the Conference Room.

Council Member Buescher: I have a meeting announcement. Streets, Sidewalks and Bridges at 9:00 A.M. Thursday morning in the conference room, June 10.

President Arndt: Are there any other announcements? If Mr. Jaenke is still awake, I will be astounded. I will entertain a motion.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL  
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**JUNE 7, 2004**

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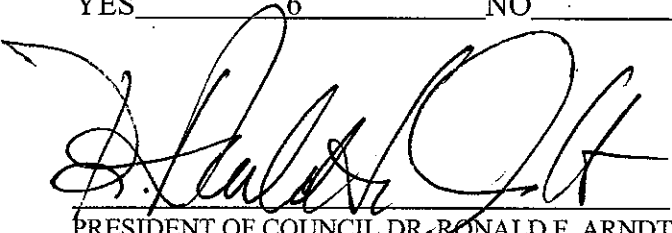
**ADJOURNMENT:**

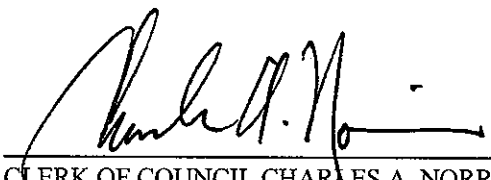
motion to adjourn by Swindig  
President Arndt: Meeting adjourned.

Meeting adjourned at 9:15 P.M.

MOTION Butkowski 2ND Olesen DATE June 21, 2004  
(as corrected)

YES 6 NO 0 ABSTAIN 0

  
PRESIDENT OF COUNCIL DR. RONALD F. ARNDT

  
CLERK OF COUNCIL CHARLES A. NORRIS