

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JUNE 5, 2006**

CALL TO ORDER: 7:30 P.M.

President Ronald Arndt: The Chair calls to order, the North Ridgeville City Council Regular meeting dated June 5, 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.

President Arndt: Dr. Norris, would you please begin with our minutes for any corrections and approvals.

MINUTES - Corrections (if any) and Approval:

Clerk of Council Norris: Minutes before Council this evening include:

Council Minutes of the regular meeting held May 15, 2006

 moved by Olesen, seconded by Butkowski to approve the Council minutes of the regular meeting held May 15, 2006

President Arndt: Is there any discussion? The Chair does make a notation that on page two; second line from the top, Council Member Boose is stated as commenting, so noted, thank you., and that was me. That being the only change. 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: Minutes are approved as corrected. Council will also please note before it this evening are the:

Civil Service Commission Minutes of regular meeting May 16, 2006;
Parks and Recreation Commission Minutes of regular meeting April 26, 2006; and
Board of Zoning & Building Appeals Minutes of regular meeting held May 25, 2006.

MAYOR AND DIRECTORS REPORTS:

President Arndt: We now come to the Mayor and Director's report section of our meeting. We invite the opportunity for the Mayor and our Directors to present any oral reports to our City Council. We would like to begin tonight with our Mayor, Mr. Gillock.

• **Mayor:**

Mayor Gillock: Thank you, Mr. President. Last Thursday, we opened the 2006 baseball/softball season at the Shady Drive Ball Complex. We had over 1,000 kids sign up this year. Our grounds crew of Gary Teel and company have done a phenomenal job and the fields look great. If you have not driven through the Complex lately, please do so, in order to better appreciate what an asset that park is to the City and to our kids.

On May 20, Pride Day was held throughout the County and of course, North Ridgeville. We had groups throughout the City planting flowers, painting and beautifying our City. The Shred-It truck was here again. We had 105 residents drop off documentation to be shredded, which produced over one ton of shredded material. According to the Shred-It employees, this is their second largest community event of this type that they handled. Over at the Service Garage we were also busy collecting over 400 scrap tires and over 160 gallons of waste oil, which we really appreciate because, not only do we get rid of the waste oil, we burn it and use it. It helps on our fuel bill too. We thank all of our residents and employees who donated their time and effort in making Pride Day, again, a great success.

We would like to have an executive session this evening to discuss property acquisition and personnel. There will be no action to follow. If we can have this after the meeting announcements, at the end of the regular meeting, the general public and viewing public would not have to stick around for the adjournment unless they wanted to. There would be no further business that would take place and it would be a courtesy to them to not keep them waiting, unless they absolutely wanted to stick around. That concludes my report.

President Arndt: For the benefit of everyone, we will move our Executive Session to the end of our Upcoming Meeting Announcements.

moved by Mayor Gillock, seconded by Butkowski to hold an Executive Session tonight under our Upcoming Meeting Announcements for the purpose of discussing property acquisition and matters related to public employees and personnel

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: 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. I would like to add my appreciation to all the folks that took time out of their busy schedule to help out on Pride Day. Many of our City employees were also out there volunteering. Without taking anything away from our other departments, I would like to recognize our Firefighters. They assisted the elderly on Pride Day in the same way they have assisted many other days, by mowing, cleaning and providing general labor for many of our seniors that can no longer do so themselves. They also cooked and served the pancake breakfast. I know the seniors appreciated the effort. We provided free Biorich to residents on Pride Day. Approximately, five pallets are gone, but we still have a few pallets left. If you would still like some, it is available at the Service Garage on Bainbridge Road in the northeast corner of the public parking area; first come, first serve.

Several construction projects are underway with more to come. I'm sure everyone is aware by now that the Route 83 paving project is well underway. The grindings from that project are going to the Service Garage and should save the City thousands. We will use this material to berm our roads and pave parking areas in our parks. The railroad overpass is not yet complete, but is open to traffic. We have received several complaints and concerns regarding the overpass and we are investigating them all. We have not, however, received one complaint of being delayed by a train. 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: Thank you, Mr. President. I have a question for you tonight? What do lawn fertilizers, pet waste and washing your car in the driveway have in common?

President Arndt: I think it adds nitrogen to the soil.

Engineer Griffith: Very good. You are right. It is nitrogen. All three add nitrogen to our waterways. I have previously discussed how over fertilizing and not picking up your pet's waste will contribute to damaging our waterways. Nitrogen is the leading ingredient in detergents and since most people wash their vehicles on their driveway, the run off ends up in the waterways. This process promotes the growth of algae in our ditches and streams. It also contributes to the large existing dead zone in the middle of Lake Erie, where the oxygen has been depleted from the water.

The EPA recommends you wash your vehicle in a car wash, where the run off does not enter the waterways. That will cost money. As an alternate, pull your vehicle onto the grass and wash it there. It will allow the run off to be absorbed by your lawn and the combination of water and nitrogen can actually help your lawn. Thank you, Mr. President, that concludes my report.

President Arndt: Thank you, Mr. Griffith. We would now like to invite our Auditor, Mr. Costin.

- **Auditor:**

Auditor Chris Costin: No report scheduled for this evening.

President Arndt: Thank you, Mr. Costin. 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:

Building Department Report for April 2006;
Water System Operation Report for April 2006;
Police Department Support Car Program Report for April 2006; and
Fire Department Report for April 2006.

Senior Citizens Advisory Board Report by Council Member Bob Olesen: Just a brief report. I would like for everyone to remember that seniors can receive a hot lunch every Wednesday that is priced at \$3.25. Call the Senior Center before Tuesday of that week to make your reservation. A New Wrinkle exercise class, I love that name, has been expanded to both, Mondays at 9:00 A.M. to 9:50 A.M. and Wednesdays at 8:30 A.M. to 9:15 A.M. These are classes that anyone can take. The next Super Thursday luncheon will be held on June 22. Here again, call for reservations. Thank you.

President Arndt: Thank you, Mr. Olesen. We have no Council Committee Reports. Dr. Norris, if you will move please to our correspondence and we have three pieces.

CORRESPONDENCE:

Clerk of Council Norris: Three items of Correspondence before Council include:

- 1) Received a memo from Mayor Gillock responding to questions relating to the costs of traffic lights at Stoney Ridge and Center Ridge Roads; Bagley and Lorain Roads; and Sugar Ridge Road and State Route 83.
- 2) Received a letter from City of Elyria, Clerk of Council Arthur J. Weber announcing a meeting scheduled on Thursday, May 25, 2006 at 6:00 P.M. in Council Chambers, Elyria City Hall, 131 Court Street to consider an ordinance to rezone property on the south side of East Broad Street at the intersection of Ternes Avenue from L-I Light Industrial District to a B-G Business-General District.
- 3) Received a letter from Charles E. Allen, Environmental Engineer, Division of Surface Water of the Ohio E.P.A. reporting of a compliance inspection on the Westfield

Allotment Wastewater Treatment Plant.

President Council: We now move to New Business tonight.

NEW BUSINESS:

Clerk of Council Norris: New Business before Council this evening include:

Request for new C1 and C2 liquor permit from Smokers Outlet LTD, DBA Smokers Outlet,
34448 Center Ridge Road

Request for new C1 and C2 liquor permit from Brew and Brew Inc., 32700 Center Ridge Road

President Arndt: At this time, the Chair chooses to ask Council if they have any objections to granting these new liquor permits at these locations?

moved by Arndt, to not request a hearing as stated on the application so that the permits then can indeed be sent to the State for final disposition

Council Member Buescher: Mr. President, I'm just wondering, as I can see doing this when someone is reapplying, but in new cases, isn't the purpose of having a hearing so that the people who want to come forward and object will have their say before we take a vote on that?

President Arndt: Thank you, Mrs. Buescher. In consultation with our Law Director, the Chair does remove the original motion and as such will direct the Clerk of Council to identify a date for a public hearing.

Safety-Service Director Johnson: There is an automatic process that I'm sure Council is somewhat aware of. I don't know what the time span is, but I would suspect that there is a constraint on when you can hold that hearing and still be able to reply. It is an automatic process that if we don't do anything, then it automatically goes through.

President Arndt: We will still move ahead with the public hearing as directed by our Law Director. Dr. Norris, if you will continue on with our next piece.

Clerk of Council Norris: The last piece under New Business is:

Petition for a change in zoning classification for property at 34977 Center Ridge Road from R-1 Residential District to B-3 Highway Commercial District and owned by Richard L. and Allene M. Hebebrand

President Arndt: For the benefit of our Council members, you will note that in the packet of information that has been provided, there is a piece of legislation for this request and at this point the Chair does request the Clerk to assign this legislation a temporary number.

Clerk of Council Norris: The temporary number will be T 94.

President Arndt: The Chair REFERS T 94 TO THE BUILDING AND LANDS COMMITTEE AND THE PLANNING COMMISSION.

President Arndt: That concludes our New Business. We now come to our Audience Participation section of our meeting tonight.

AUDIENCE PARTICIPATION (Lobby):

President Arndt: Any members of our audience are invited to address your Council and we request though, that you fill out the Lobby form that you can find in the back of the room, because it gives us the opportunity to contact you personally should there be a need for any followup. You are now welcome to approach the podium immediately to the right of Mrs. Buescher. When you do so, please clearly state your name and address and limit your comments please, to three minutes. The Lobby is now open.

Council Member Butkowski: Mr. Chairman, while they are deciding to come up, I just wanted to take a moment to thank the North Ridgeville Garden Club for the wonderful job they did in renovating the memorial outside the old town hall.

President Arndt: Thank you.

Council Member Olesen: Mr. President, while we are at it, I would like to thank Mrs. Klear for being so faithful in covering our City business. I don't know how many people out in the audience know that she is retiring and that this is her last Council meeting.

President Arndt: Are there any other comments? Is there anyone in the audience who would like to comment?

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

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

Yes, 7 No, 0

RECESS: dispensed with

President Arndt: Dr. Norris, if you will begin with our Ordinance and Resolution Submittals, please.

ORDINANCES AND RESOLUTIONS:

• **Ordinances & Resolutions Submittals**

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

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.

moved by Olesen, seconded by Butkowski to suspend our By-Laws tonight to give T 86 its first reading

Mayor Gillock: Mr. President, I appreciate Councilman Olesen's desire to get this done as much as I do. I would ask that you vote no in suspending the By-Laws to give this its first reading. At this point, we would like to let this work its way through. We don't have all the financing put into place on this yet. We wanted to get it on the agenda, but we don't want to move this ahead yet.

Council Member Olesen: Mr. President, I will withdraw my motion to suspend By-Laws.

Council Member Butkowski: I will withdraw also.

Council Member Buescher: Mr. President, I was just wondering if I could just ask the Mayor, since people in my Ward are so concerned with the intersection of Stoney Ridge and Center Ridge, why he feels the Bagley Road light should take priority?

Mayor Gillock: I don't feel that it takes priority at all. We will talk about Stoney Ridge a little bit later, when it comes up. We have three intersections that I feel need lights and in my opinion, the number one priority is Sugar Ridge and Route 83; Stoney Ridge being number two and this one being number three. However, financing is always an issue. In this case, Oster Construction and Ritchie Land Company have both committed to paying a pro rata share of the cost of this light, which, at this location, is 89,000 dollars. We have more financial wherewithal, at this point, to move this one along. When we get to Stoney Ridge, which the light is not under discussion; it is under old business and has to do with Oster's approval. Oster has agreed to participate in a light over there. However, the dollars aren't there yet. That is why this one is on the agenda. It is not a matter of priority. It is a matter of funding.

Council Member Buescher: Thank you.

President Arndt: Any other discussion?

Council Member Butkowski: Mr. Chairman, while we are on this discussion. The Route 83 and Sugar Ridge light is the most important one. How far along is funding on that, because I'm getting a lot of complaints and it is very dangerous there.

Mayor Gillock: Council appropriated 50,000 dollars. I don't know if there is a line item, but we reserved 50,000 dollars out of the street budget for that intersection. The cost on that light is about 80,000 dollars and I think this issue is on the Engineer's desk. We have to get an engineering firm on it. However, we did appropriate 50,000 dollars for that intersection. We do have to get back and work out the funding on it. While we are at it, the one on Stoney Ridge, which was 63,000 dollars, Oster has agreed to pay a pro rata share of the cost of that light. We are in discussions with Meadow Lakes, Frank Dettore, in regards to the rest of the pro rata portion of that light. That is where we are at with all three lights. Some have some funding, some have partial funding and some have no funding at all. The funding doesn't track with the priority, unfortunately, so we are doing what we can as we get funding available.

Council Member Butkowski: Mr. Mayor, could we ask Waterbury to help with funding that light at Sugar Ridge, because their people are coming through in that area too and there will be more when some of the streets open up.

Mayor Gillock: I wouldn't hesitate to discuss it with them. However, in our developer's agreements and I believe through Ohio Revised Code, when you can show a new development, through traffic studies, is contributing to the increase traffic at that intersection, you have a basis

for asking them to help pay for it. I am not sure that is the case with Waterbury and Sugar Ridge, where we can directly tie them together, but we will bring that up with Forest City, who is the developer of Waterbury.

President Arndt: Thank you, Mr. Mayor. Dr. Norris, if you will move onto T 87, please.

T 87-2006 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 2006/2007 WINTER SEASON, PURSUANT TO RESOLUTION NO. 693-90.

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

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

Yes, 7

No, 0

T 88-2006 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 CONSTRUCTION OF THE SENIOR CENTER PARKING LOT ADDITION 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 \$75,000.00.

moved by Olesen, seconded by Butkowski to suspend our By-Laws tonight to give T 88 its first reading

Mayor Gillock: Mr. President, we would like to, if possible, have this one pass this evening with the emergency. This involves our CDBG grant funds that we have available in the amount of 44,700 dollars and we need to get engineering under contract and go to bid for this project for the contract period under the CDBG grant fund.

President Arndt: So, then, the purpose of the emergency would be to take advantage of the grant time lines?

Mayor Gillock: Yes.

Council Member Buescher: Mr. President, I was just wondering which department this grant funding comes from?

Auditor Costin: Good question. What will happen here is the 44,700 dollars, as the Mayor said, will come out of block grant monies. We did not appropriate the balance. In fact, we did not appropriate any of it and we will appropriate that as well. The City portion will have to come out of our general fund, miscellaneous general government contingency, that we allotted during appropriations. If Council chooses, that will be 30,300 dollars.

Mayor Gillock: Mr. President, we still have to check the numbers. A large portion, I believe, can be funded through our recycle grant dollars and it may be that we approach Park and Rec for part of this funding. The funding still needs to be put together.

Council Member Buescher: Mr. President, I was also wondering about the need for increasing

the size of the parking lot and where will it be located?

Mayor Gillock: We do have a definite need for more parking and it will be located on the west side of the Senior Center building in this area right out here.

Safety-Service Director Johnson: I would like to expand on that. That will be part of a Senior Park really. We plan on a little walking area and we would like to work out a gazebo with some of the service organizations, if possible. We want to make use of that lawn in front of the Senior Center for senior purposes. That is the overall goal.

Mayor Gillock: One of the other items is an electronic sign, which can all be paid for with the recycle grant dollars. We have already put the sidewalk in.

Safety-Service Director Johnson: We can also use concrete money for the sidewalk.

Mayor Gillock: It is to redesign that whole area there with the main goal being to increase parking.

President Arndt: Thank you, gentlemen. Are there any other questions or comments? To restate, the motion is by Mr. Olesen and a second by Mrs. Butkowski to suspend our By-Laws tonight to give T 88 its first reading. All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved.

T 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.

T 92-2006 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.
moved by Mayor Gillock, seconded by Olesen to suspend our By-Laws tonight to give T 92 its first reading

Council Member Buescher: Mr. President, I have a lot of questions tonight. I'd like some clarification on this one, because if there was a blockage, wouldn't it have had to do with the construction process itself. I have a problem, where a constituent on Evergreen; right now, is running into this same type of problem. I can't understand, if the construction company put in the sewer line, and there was a blockage, why would the City be responsible for paying them for repairing that?

Mayor Gillock: We had the same questions. We have met and investigated. Frankly, we can't tell you where the blockage came from. This was at Kim's Restaurant. A few days after the lateral was connected, there was a blockage. We went down and tried to help them and we could not dislodge whatever the blockage was and we couldn't find it. We called the contractor, Fabrizzi, and had them come out. They did clear it. In reviewing it, when the contractor finishes with the sewer, we require them to camera the sewer and the films are clear. There was nothing

there. It was hard to say Fabrizio did it wrong. The contractor hooking the lateral up stated that they didn't do anything wrong. The phone company was working in the area. We don't believe it was the phone company. We don't know where this one came from. Subsequent to this one, we have enacted procedures where the caps on the clean outs are now glued on and contractors cannot remove them unless our inspector is there; so we know they are clean when we take the caps off. We are still using the camera on the lateral on the one on Evergreen. As a result of a meeting with the Law Director, Engineer, Safety-Service Director, and myself during an investigation, we can't pinpoint the cause and is it worth trying to go to court to fight something when we don't have a leg to stand on? We figured that it made more sense to pay it. We have instituted new procedures for future cases, such as on Evergreen, where we have used the camera and we have a better understanding of what is going on there.

Council Member Buescher: Thank you and also, Mr. President, what about the Ohio Edison charge and what is that?

Mayor Gillock: When Fabrizio was doing their excavation, there was a light pole near where they had to dig, so they called Ohio Edison to hold that pole up while they excavated near it so it didn't fall in the hole. That was 1,000 dollars.

Council Member Buescher: Thank you.

President Arndt: Any other questions or discussion? Again to restate the motion by Mayor Gillock, and a second by Mr. Olesen to suspend our By-Laws tonight to give T 92 its first reading. All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved.

**T 93-2006 A RESOLUTION ADOPTING THE AVON BELDEN ROAD MASTER
SANITARY SEWER PLAN.**

President Arndt: THE CHAIR REFERS THIS TO THE PLANNING COMMISSION.

Mayor Gillock: Can we have this referred to Utilities also?

President Arndt: We can indeed. REFERRED TO UTILITIES COMMITTEE.

Mayor Gillock: Mr. President, if I could very briefly speak on this. This has already benefitted us. What we are doing is suggesting to Council to adopt an Avon Belden Master Sanitary Sewer Line and where it should go to service that area. We have different contractors coming in and wanting to do different things. Some want to run force main, some want to go this way, some want to sewer their property with an eight inch line, when we know later on, we will need a bigger line. We contracted with Peter Zwick to draw up this Master Plan, which we will go over in more detail. We have already had one developer come in, see this and state that he had to revise his plan to work with the City. He said that he now sees what we want and this makes sense. The whole idea is to try and get a handle on the control of the sewer along Route 83.

There will be much more discussion in Utilities and Planning.

Council Member Olesen: Mr. President, one question of the Mayor. Will this plan bring in the residents along Stoney Ridge too?

Mayor Gillock: Yes.

President Arndt: Any other comments or questions? That concludes our Ordinance and Resolution Submittals. We now move to our first readings and Dr. Norris, if you'll begin please

with T 84.

• **First Readings**

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

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

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

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

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

T 87-2006 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4276-2006 RIDGEVILLE, OHIO, TO ENTER INTO A PARTICIPATION AGREEMENT
WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE
PURCHASE OF SODIUM CHLORIDE FOR THE 2006/2007 WINTER
SEASON, PURSUANT TO RESOLUTION NO. 693-90.
First Reading

Council Member Olesen: Mr. President, I would like to ask the Mayor if this is something that we should get into now and try to pass it tonight to get the contract issued.

Mayor Gillock: I don't know.

Auditor Costin: A suggestion could be to pass it without the emergency to get it off the agenda as we know we will need salt next year.

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

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

 Yes, 7 No, 0

 moved by Olesen, seconded by Butkowski to adopt tonight T 87

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 87 is adopted becoming permanent ordinance number 4276-2006.
Permanent Ordinance No. 4276-2006

T 88-2006 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
4277-2006 AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A
 MANNER PRESCRIBED BY LAW FOR THE CONSTRUCTION OF THE
 SENIOR CENTER PARKING LOT ADDITION 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 \$75,000.00.

First Reading

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

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

Yes, 7 No, 0

moved by Butkowski, seconded by Olesen to adopt tonight T 88

moved by Arndt, seconded by Jaenke to add the emergency tonight to T 88 with the purpose being to take advantage of the grant time lines

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 Mrs. Butkowski, a second by Mr. Olesen to adopt tonight T 88 with the emergency. Any discussion?

Council Member Boose: Mr. President, in appropriations, we did approve the 29,000 dollars in concept. At that point, it was out of capital projects, but then in the final appropriations it was not placed in there for other reasons. There is a 1,400 dollar difference from what they are looking for now. I think it is 30,400 dollars and I don't have an issue with it at all. Now, apparently some of the monies under the grant will come, perhaps, from the general fund and others may be from the recycling grant. I would just like some clarification on that.

Auditor Costin: What we would have to do, when this is passed, is to reserve the dollars in our miscellaneous general government fund and if the Administration is able to work out some of those dollars from other grant sources, such as the recycling grant, we would simply reduce the amount that was set aside in the general fund.

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: T 88 is adopted with the emergency and becomes permanent ordinance number 4277-2006.

Permanent Ordinance No. 4277-2006

T 92-2006 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

1085-2006 First Reading

 moved by Butkowski, seconded by Jaenke to dispense with the second and third readings tonight on T 92

President Arndt: Is there any discussion?

Mayor Gillock: Mr. President, I would just like to add one more point. On this situation as with the one on Evergreen, sometimes when the City gets these calls, such as both of these, our first inclination may be that it is not the City's problem. We didn't block the pipe. It should be the contractor or may be it is the guy doing the lateral. In both these cases, one is a business and the other is a residence and we aren't going to leave them hanging. We are going to go out and do what we can to help them get their business open and get the sanitary flowing in this lady's house. They had a lot of damage. We think we have a good idea of what the cause is. It isn't the City's problem, but we extended our funds out there as we feel we have that obligation and will continue to do that. Sometimes I think, we are going to get caught in the middle of some of these but we can't just ignore them. I just wanted to make that clear.

Council Member Buescher: Mr. President, I would like to thank the Mayor for what he did for the people on Evergreen.

Auditor Costin: It is my understanding that, as the Administration explained it to me, that they will continue to investigate these issues and if we do find out who is responsible, then we will go after them and collect the monies to recoup those expenses.

President Arndt: Any other comments or 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 92

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 92 is adopted and becomes permanent resolution number 1085-2006.
 Permanent Resolution No. 1085-2006

President Arndt: That concludes our first readings for this evening. We have no second readings and we have no third readings. We now come to our old business. If you will read our old business, Dr. Norris.

OLD BUSINESS:

Clerk of Council Norris: The old business deals with the Planning Commission Report:

APPLICANT: John Eavenson, Oster Construction, Inc., 6150 Park Square Drive, Lorain,
 Ohio 44053

OWNER: Oster Construction, Inc., 6150 Park Square Drive, Lorain, Ohio 44053

REQUEST: Final Plat Approval for Windsor Point Subdivision No. 4 consisting of 40 lots

LOCATION: Avalon Drive and Stoney Ridge Road in an R-1 District
Permanent Parcel Nos. 07-00-031-000-129, 07-00-031-000-130,
07-00-031-000-003, 07-00-042-115-083 and 07-00-042-115-084

PC ACTION: Approved by a vote of five to zero with a condition that the applicant work with the Administration to pay a proportionate share for a traffic control light at Stoney Ridge and Center Ridge Road.
moved by Jaenke, seconded by Manning to approve the Planning Commission Action for the final plat approval for the Windsor Point Subdivision No. 4

President Arndt: Is there any discussion?

Council Member Buescher: As representative of Ward I as well as my constituents, there is still concerns about the amount of flooding that took place in the Oster developments between Stoney Ridge and Case Road and my understanding is that people living in those areas have not had their concerns addressed by Oster, as I just received a call a couple of days ago with that problem from someone who lives on Avalon. Until I can be assured and the people can be assured that these problems are not going to continue, I will not vote in favor of this tonight.

Council Member Boose: Has an agreement been reached with Oster in regards to the traffic signal?

Mayor Gillock: Mr. President, if I could address both of those. A meeting was held May 23rd with several representatives from Oster including Tom and Evelyn Oster, the Principals. There were a total of sixteen people in that meeting including our legal counsel and their legal counsel. We discussed a number of items including the problems we had on August 20 of last year, when water was found in several basements including a number of Oster homes. We had two meetings with residents to address their concerns and to try to identify why they had water in their basements. One meeting was with the Stone Creek Subdivision residents and the other one was the residents from the Avalon area. Following those meetings, we sent surveys to all the homes in the Avalon Subdivision and the Stone Creek Subdivision asking them if they had water in their basement; where do they feel it came from; do they have mud in their crock; did they have power outages? There were a number of questions. With all of those that responded, Tony Lance from the Engineering Department, contacted each and every one of those residents and he inspected those basements. He brought his concerns to the attention of Oster and we did receive their feedback. With one exception, Oster has addressed all the problems that we brought to their attention. The exception was relative to a concern with the proper installation of a product called Formadrain, which is manufactured by Certainteed and acts as a form of the foundation and as a footer tile. We have never had a concern with the product itself, only with the potential faulty installation. We had a representative from Formadrain also attend the meeting. It was their opinion and Oster's opinion that the product did work correctly and that the moisture around the junction of the wall and floor in those basements in those homes, which the only time they had moisture in the basements was around that August 20 event, was because of the extreme rain that we received on that date. They were quite adamant that there was not a problem. We agreed that we would continue to monitor those homes and if there are any further problems, we will bring those to Oster's attention again. Otherwise, Oster has been very responsive to the concerns we

brought to them in those areas. All the other ones that were brought to their attention, they corrected. In regards to the lights, specifically, this planning approval stated that Oster would work with us regarding a traffic control light at Stoney Ridge and Center Ridge Road. Oster has agreed to pay a proportionate share, as I stated earlier, for the cost of a light for that location. The cost of that light is estimated to be 63,000 dollars. We will determine Oster's pro rata portion of the increased housing in that area with Meadow Lakes being the other contributing entity. This is the same agreement Oster made in regards to a light at Bagley and Lorain. From the Administration standpoint, although we have had some concerns in the past in regards to Oster's development, they have been cooperative and responsive when we went to them and I recommend that the final approval for Windsor Point Subdivision No. 4 be approved. Thank you.

President Arndt: Any other comments, discussions from Council.

Council Member Butkowski: Mr. Chairman, at that discussion during the meeting we had regarding August 20 flooding, some of the people that were in the Oster development said that they had continual water in their sump pumps and there was a long discussion about clay dams. I don't remember if we ever came to any conclusion on whether the clay dams were suppose to be put in everyone's home or not; but I do remember them saying that they did put them in. One of the men, whose house flooded and has that water all the time, hired someone to come out and dig up his line. He has a small lot because he is in one of the condos. I was there when it was being dug up and there is an immense amount of water running in there. They had a small sump pump running that only used a garden hose to take the water out. That hose ran the whole time I was there and it did not keep up with the water that was coming in. He did have a clay dam installed and he said that after the clay dam was installed his water quite coming in 24/7. So, I don't know if you discussed with them on whether they should be putting clay dams in all their homes or not. It was very obvious that was needed and was not in there in this man's home.

Engineer Griffith: We do require that clay dams go in on every home. Evidently, on this one, it was missed, because as Council Person Butkowski said, once they put the clay dam in, the water flow did reduce considerably. They are required on every location.

Council Member Buescher: Mr. President, how will people who live in these homes know if they have the clay dams, particularly since one that was dug up and probably the only one, they did find that it wasn't there.

Mayor Gillock: Mr. President, it really won't matter. If they have continued moisture in their basement, then we'll bring it to Oster's attention again. For whatever the reason is. Some of the flooding in these homes had to do with the installation of the drain into the retention pond.

Safety-Service Director Johnson: Oster went above and beyond. All they had to do was move the sump pump water three feet away from the foundation. What they did was connect these sump pump lines across the yard to drain to the ditches or to the retention ponds. What happened was, on the August 20 rain, those ditches and ponds were full of water and created head pressure on it so these pumps could not pump into that system. They did that to try to keep people's yards from getting overly damp. They corrected this by installing a blow off valve in their lawn so if the pressure does build up, it squirts out into the lawn. They fixed a lot of them that way. There were a number of issues that have come up and like I said, on this particular issue, it is because they tried to do something to make it better and it cost them more to do it too. It has cost them even more to go back and put the correction in.

Mayor Gillock: A number of these problems were due to the head pressure and the discharge pipe was overcome by the retention pond holding the water from the massive rains that we had. They have added their backup discharge pipe design on the outside, which is kind of like a bypass, that when the head pressure and the discharge are so great that the water can't get out, it gives it another way to go out above ground and dump into the yard. Some of the repairs were: a backup discharge; a backup discharge; a Formadrain was repaired and inspected; another Formadrain; a sump pump was rerun; a Formadrain had concrete in it; a backup discharge, a backup discharge; backup discharge; backup discharge; backup discharge; backup discharge, so there are a lot of those and we feel that they have been pretty responsive.

Council Member Butkowski: Mr. Chairman, the one I was talking about came from the storm sewer and they have water in there 24/7 regardless if it's raining or not and it is water coming from the storm sewer going back into their house. That is what that clay dam is suppose to stop. The clay dam was not installed.

President Arndt: Any other comments. As a reminder, we have a motion on the floor by Mr. Jaenke and a second by Mrs. Manning to approve the Planning Commission action for the final plat approval for the Windsor Point Subdivision No. 4. Will the Clerk please take roll.

Yes, 5 No, 2 (Buescher, Butkowski)

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

President Arndt: That concludes our old business. We come to our upcoming meeting announcements.

UPCOMING MEETING ANNOUNCEMENTS:

Clerk of Council Norris:

Next Regular Council Meeting Monday, June 19, 2006 at 7:30 P.M. in Council Chambers.

Buildings & Lands Committee will meet Wednesday, June 7, 2006 at 4:00 P.M. in the Senior Center Multi-Purpose Room.

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

President Arndt: The Chair now directs Council to move to Executive Session.

Council Member Boose: I have a question to bring up regarding the bridge going over the railroad tracks on Route 83. Forty five miles an hour seems to be pretty quick.

Mayor Gillock: That is an ODOT determined speed limit, which they won't change.

Council Member Boose: Even though the curves in the area are still under construction?

Mayor Gillock: I will defer to my Traffic Engineer.

Council Member Boose: The only reason I ask is because it is still under construction and I have had several people that are some what familiar with that area come off going south on Route 83, take that curve at night and see it as a little bit too quick, even if it is still under construction. I

know sometimes, in fact most times I know, that when a road is under construction, construction speed limits are a little bit less than what the actual speed might be.

Engineer Griffith: If Council is willing to fund an Engineering study to prove that the speed should be lowered, than we can hire someone to do it for us.

Council Member Boose: Every time a road is under construction and the speed limit is lowered, there is a study that is done?

Engineer Griffith: Yes, ODOT requires a study whether you lower or raise the existing speed limit, you have to do an engineering study to justify that.

Council Member Boose: Even if it is temporarily being done because the road is under construction?

Engineer Griffith: If it is in a construction zone that is a little different.

Council Member Boose: Which it is.

Engineer Griffith: ODOT currently has control over that and they could lower that if they wanted to and that would be up to them.

Council Member Boose: Can someone from the City investigate that with them?

Engineer Griffith: Yes and we have.

Safety-Service Director Johnson: It is reduced to 40 for the construction. It is supposed to be 45.

President Arndt: Mr. Costin, did you have a comment?

Auditor Costin: Yes, thank you, Mr. President. I wanted to alert Council that at our next meeting, most likely, we will have legislation related to issuance of bonds and as we have indicated for quite some time now, we have the westerly bond anticipation notes and we have various others that are just under 14 million of bond anticipation notes that we have been working diligently on taking the bonds. The next meeting we will try to have the legislation to continue this process on a timely basis. We are going to attempt to make cloture. We, being the bonding counsel and the attempt is to meet cloture. However, in any event, I would request that the bonds be passed at the next meeting and alert you that they will be forthcoming. You'll see probably several pieces of legislation because each of the notes will be components of the bonds, which there may be several pieces of legislation when they hit your box, but that is what it will all be about.

President Arndt: Thank you, Mr. Costin.

moved by Arndt, seconded by Buescher that we move to Executive Session and then come back to adjourn

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

Yes, 7 No, 0

Council adjourned into Executive Session at 8:36 P.M.

Council reconvened from Executive Session at 9:07 P.M.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING**

JUNE 5, 2006

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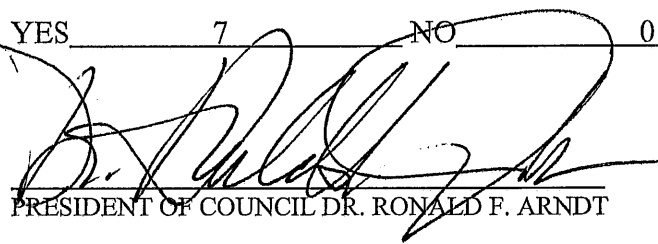
ADJOURN:

moved by Boose to adjourn

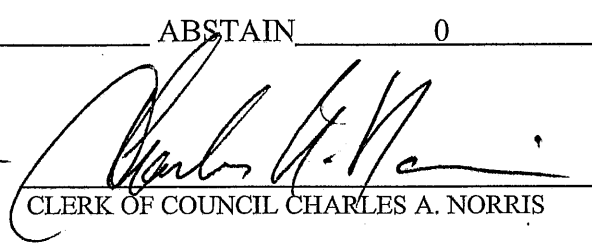
Meeting adjourned at 9:08 P.M.

MOTION Butkowski 2ND Manning DATE June 19, 2006

YES 7 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL DR. RONALD F. ARNDT



CLERK OF COUNCIL CHARLES A. NORRIS