NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING MAY 21, 2007

CALL TO ORDER: 7:30 P.M.

President Ronald Arndt: The Chair calls to order the North Ridgeville City Council Regular meeting dated Monday, May 21, 2007. If you will all stand, please for our Invocation, followed by our Pledge.

INVOCATION: lead by President Arndt.

PLEDGE OF ALLEGIANCE: by all.

President Arndt: Dr. Norris, will you please take our roll.

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 adjourned the regular scheduled Council meeting at 7:31 P.M. to reopen the Public Hearing relating to T 17.

Council reconvened the regular scheduled Council meeting at 7:34 P.M.

MINUTES - Corrections (if any) and Approval:

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

Public Hearing Minutes of April 16, 2007 re: T 8-2007 REVISED
moved by Boose, seconded by Butkowski to approve the Public Hearing Minutes of April 16, 2007 regarding T 8-2007 Revised
President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?
Yes, 7 No, 0
Clerk of Council Norris: Minutes are approved.

Public Hearing Minutes of April 16, 2007 re: T 21-2007
moved by Olesen, seconded by Butkowski to approve the Public Hearing Minutes of April 16, 2007 regarding T 21-2007
President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed by

no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Those minutes are also approved.

Council Minutes of regular meeting held May 7, 2007

moved by Buescher, seconded by Butkowski to approve our Council Minutes of the regular meeting held May 7, 2007

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

Yes, 7 No, 0

Clerk of Council Norris: These minutes are approved.

Clerk of Council Norris: Council will also please note in their packets are the:

Planning Commission Minutes of regular meeting May 8, 2007.

MAYOR AND DIRECTORS REPORTS:

President Arndt: We now come to the Mayor and Directors report of the evening. The Chair gives the Mayor and our Directors the opportunity to provide Council with an oral report. We would like to begin tonight with our Mayor, Mr. Gillock.

- **Mayor:**

Mayor Gillock: Good evening and thank you, Mr. President. Thank you to all of you who responded to our plea for letters regarding funding for the environmental study for the widening of Center Ridge Road. Several people have mentioned it and a couple of people have asked for other ways to get the list other than off the City website. If you call my office at 353-0811, we would be glad to send you a copy. In addition, we will try and have some available at the Library. There has been a good response to that and we need to keep those letters up if we can.

Last Thursday, the State of Ohio Department of Agriculture sprayed South Central Park and the timber east of the Library for Gypsy Moths. This morning they completed the second spraying. If you saw a small yellow crop duster flying over this morning, that is what it was. The spray is not harmful to humans, pets, birds and so forth. That should complete the application for this year and we will watch to see the effectiveness and results of the spraying.

On a similar note, our ash trees are also at risk. This week has been designated Emerald Ash Borer Awareness Week, from May 20 to May 26. Lorain County by designation is a quarantined County and it is illegal to move ash trees, ash logs, ash branches, ash wood chips, ash bark, and all hardwood firewood out of Ohio's quarantined areas. I believe it is a 4,000 dollar fine if you are caught. These materials can move freely within the quarantined area, which is approximately 23 counties in the Northwest part of Ohio. For more information contact the Ohio Department of Agriculture.

On your agenda tonight, Council Members, is T 69-2007 for the engineering of the Softball World project. I would like to speak more on that when it comes up, but we would like that passed this evening. We do not need the emergency, but would like to be able to get moving on that as they would like to be able to play ball there next season if we can pull this all together.

Police Chief Thomas has advised me that we were recently awarded from the State, a new radar unit valued at approximately 1,500 dollars for our 2006 efforts in traffic enforcement relevant to increasing seat belt awareness and usage. That unit will be assigned to Patrolman Mraz, who had the most seatbelt enforcement activity during the reporting period. He promised that next year he will try for a new cruiser.

Lastly, good news for residents in Ridgefield and Bagley Road. They will begin work tomorrow morning on the intersection at Bagley and Lorain. They will be removing the asphalt and on Wednesday, they will be doing the catch basins, which is what they have been waiting on. We are finally getting that project started. I know a lot of you have been interested in when that was going to start. The phone calls can now change from when are you going to start to when are you going to finish. Thank you, and that concludes my report.
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 want to start by thanking all those who volunteered their time on Pride Day last Saturday. Whether you worked in a City park, your neighborhood or your own yard, it is truly appreciated. The pancake breakfast was a huge success; they actually ran out of pancake batter and had to run for more. The shredding truck had a waiting line most of the day and we ran out of the free fertilizer early in the day. This is just an indication of how popular the event was. Again, I thank all that volunteered to help improve our community.

Schools will be out for the summer soon and I ask all motorists to please be a little more alert for children. We still have a small amount of Caution Children at Play yard signs available. If you would like one of these signs for your lawn, please contact the Mayor's office.

And finally, I ask that Council consider passing T 66 and T 71 tonight. These ordinances are to fund and build several water line improvement projects in the City. Our Service Department has identified several small projects that will improve and protect our water supply system and limit outages to our residents. That concludes my report.
President Arndt: Mr. Johnson, just for clarification. Did I hear you say T 66 and T 71? Would you like those adopted with or without the emergency?
Safety-Service Director Johnson: I don't think the emergency is needed, but I would like to move them along to try and get these projects started this year.
President Arndt: Thank you, Mr. Johnson. We now have the opportunity to hear tonight from

our Engineer, Mr. Griffith.

- **Engineer:**

Engineer Griffith: Thank you, Mr. President, I have a short report tonight. With Pride Day being last weekend, I just want to request that we all respect this planet that we live on by picking up after ourselves, picking up our debris and not placing it in our ditches and watercourses, picking up our pet dropping, etc. and dispose of them properly, to clean our septic tanks as required by the County Board of Health and to take a pleasant walk in the park. Thank you, that concludes my report this evening.
President Arndt: For those of you who have not had the opportunity to hear from our Engineer, this is one of the most brief reports and it ends on a very positive note. Thank you, Mr. Griffith. We now have the opportunity to hear from our Auditor, Mr. Costin.

- **Auditor:**

Auditor Costin: Thank you, Mr. Chairman. I have several items to discuss briefly. The first, requires your passage of the Written Report for April 2007.

moved by Boose, seconded by Butkowski to approve the Auditor's Written Financial Report dated April 2007

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

Yes, 7 No, 0

Auditor Costin: Okay, now I will try to simplify some complications. We go through this from time to time with our major projects. The Safety-Service Director has asked you to pass certain construction projects. However, by our Charter, we cannot pass those projects until the financing is in place. So, before you, you have three ordinances related to the issuance of BANs. These were the BANs that resulted from the appropriation meetings that we had in March and we discussed then, that we would forestall passing the BANs until we finished our appropriation meetings, which we just did a week or so ago on personnel matters. We need to pass these and have a commitment in place, which means I would request that these are passed with the emergency.
President Arndt: Would you specify, Mr. Costin, specifically, which ordinances you are referencing?
Auditor Costin: T 65, T 66, and T 67. A combination of those three subject matters total the BANs that we discussed in appropriation meetings. In addition, before we can expend these monies, we would have to amend our appropriations. We were not able, for various reasons, to finish the appropriation ordinance. I do have that with me and if you would allow, I would like to pass this out and discuss it briefly with you. This is an amended appropriation ordinance, which will also have to be passed tonight.

moved by Mayor Gillock, seconded by Buescher to suspend our By-Laws tonight to include the amended appropriation ordinance under first readings

President Arndt: Is there any discussion?
Council Member Butkowski: Mr. Chairman. Could you assign a temporary number please?

Clerk of Council Norris: That would be T 73.
Council Member Manning: Mr. President, I had discussions with the other two Finance Committee Members that our meeting kind of ended abruptly because we had to go to another meeting. We wanted to table this and discuss some of the personnel issues one more time; probably the first week in June would be the scheduled meeting. I recommend that we table this until the next regular Council Meeting.
President Arndt: Mrs. Manning, for clarification, are you making a recommendation that we postpone the amended ordinance T 73 or a specific area of that particular legislation?
Council Member Manning: We haven't had a chance to make sure that all the numbers are correct, so the recommendation would be to postpone the whole thing until the next meeting
President Arndt: Is that the motion?

moved by Manning, seconded by Boose to postpone any action on T 73 until the next scheduled meeting June 4

President Arndt: Is there any discussion?
Council Member Buescher: I was just wondering what Mr. Costin has to say about that?
Auditor Costin: Let me just clarify what this includes first and then I'll answer your question. This reflects all the changes we discussed through the last Finance meeting. It does include the personnel recommendations made at time. If Council wants to reconsider them, than that is fine. However, this ordinance also includes adjustments to the Capital Projects ordinances and construction funds with regard to our BANs ordinances. If we postpone this, we will have to postpone everything else that we just discussed. That was the integration complication that we have here. What might be an alternative, would be to amend this ordinance to withdraw the personal service items and pass the rest or frankly, with one exception, the fact that we have these appropriations in place, I believe that in most cases, there is other legislation that has to be passed as well. For example, where we have step increases, we can appropriate the money, but we can't allow the increases until we pass the grid. Where we have a full time person added, we have to create a position. We talked about some Police Officers. We would have to change our Police ordinance. The fact that we are passing this ordinance with these numbers in them at this time, is not going to result in any personnel changes until the related other legislation is passed. I say that so that your two choices are that we can pass this and still address it and if need be, modify this later because, what we typically like to do is not come to you with an appropriation ordinance every time we do something. We can pass this and not take personnel action until the other legislation is passed. There is only one case where we would need legislation and I would simply ask that you let that individual know that we are not going to approve expenditures until you take action or we could go through here and pull out the personal services changes or we could just postpone all the rest of our construction projects and BANs issuances.
President Arndt: The Chair is going to ask everyone to stand at ease for just a moment. Thank you, ladies and gentlemen. The Chair requests that the Law Director offer up some recommendations so that we can move forward on this particular issue with dispatch and clarity.
Law Director Crites: If I may, I understand your position Mrs. Manning, as well as Mr. Costin's. Obviously, the issue is that you don't believe the Committee had enough time to address the personal services issues and the personnel aspects.
Council Member Manning: That is correct.
Law Director Crites: So in the sake of protecting efficient operation of the City, I think it would

be somewhat regrettable or reckless to pass this in total and then try to deal with personnel issues that the Committee wants to address further later. I would prefer or would not recommend that it be handled that way. What I would recommend is that, if you would be willing, that you withdraw the motion to table and or to postpone and rather put forth a motion tonight to amend this piece of legislation on the floor to strike all allocations for personal services. The point being is that they will be addressed at a later date by the Committee and by subsequent legislation. I think that accomplishes the Committee's goal and your intention to not pass something that you don't believe had adequate study and also accomplishes the goal of the Auditor to keep things rolling. To restate what the action would be is a withdrawn motion and then a motion to amend this on the floor to strike all the line items related to personal services.
Auditor Costin: I would be pleased to walk through this with you at this moment and tell you which items you can scratch right now in order to make it simple so that you know what you are passing.
Law Director Crites: What we'll do is make the motion to amend in accordance with the items that the Auditor recommends to be deleted related to personal services.
Council Member Manning: Mr. President, I wish to withdraw my motion.
Council Member Boose: I withdraw my second.

moved by Manning, seconded by Boose to amend T 73 to remove and strike the allocation of personal services with input from our Auditor

President Arndt: Mr. Costin, would you add for our clarification those things we want to remove?
Auditor Costin: On the top of page two, Council Clerk, both (tape one, side A ends) (tape one, side B begins) to replenish our check stock. There is a small portion of that, that is probably personal benefits related to personal services and I don't know that number. Without the personal services, it is a moot point. I would suggest under the Auditor, you strike the line item personal services. Under Miscellaneous General Government, that was the floater we talked about. You can strike that entire thing. The personal services and other. Under Police, strike that entire thing. Engineer, strike the entire thing. Ground Maintenance, strike the entire thing. Under Special Revenue Funds, Street Construction personnel and other; just strike the entire thing. What probably would have been easier to advise, would have been to tell you what not to strike. Under Income Tax, here again, the personal services line you would strike and the other includes, which I was going to explain later, was some e-file modular software, which we approved in appropriations and some how, we overlooked appropriating it at that time. I would simply strike the personal services line. Under Ambulance, that is a reclassification to the newly revised ambulance fund we are going to have from Capital Projects because we just plain ran short of funds in Capital Projects Funds. I would leave that there. Under Enterprise Funds, personal services and other, just strike the entire thing. Water Improvement of the BANs, under French Creek Waste Water Treatment.
President Arndt: The water improvement and other stays.
Auditor Costin: That stays. Those are the BANs. Under French Creek, strike the entire thing and the totals would then be whatever they wind up being. From what I can see, what is left is Auditor other, 1,080 under General Fund; under Special Revenue Funds is Ambulance, 20,000 dollars; under Capital Projects Fund is capital projects other, 72,402 and this simply was an adjustment due to the fact that we know our final job estimates and it is an adjustment to what we

had only includes the appropriations that we approved and it includes a 5,000 dollar contingency in case something should go slightly over, we would have dollars available for that. Finally, the Water Improvement Fund is 700,000 dollars. Those are the items that are left.
Council Member Boose: Mr. President, just for clarification, do we also want to include under Income Tax, the other, 20,080?
Auditor Costin: Did I miss that? I'm sorry. Yes, we definitely have to have income tax other.
Council Member Boose: By my calculations, Mr. President, that would be 833,562.
President Arndt: Thank you. Did I see Mrs. Butkowski that there was something you wanted to add?
Council Member Butkowski: No, I just wanted to mention the income tax too.
President Arndt: Just for clarification purposes, we have a motion on the floor by Mrs. Manning; a second by Mr. Boose to amend tonight T 73 to strike personnel in the form and fashion just as described by our Auditor. Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

President Arndt: For the benefit of everyone tonight, T 73 will show in our first readings as amended. Before I go any further, what confusion if any might there be among our Council Members? Okay, thank you. Mr. Costin was there anything else you would like to share with us tonight?
Auditor Costin: What I think I would like to do is to defer until the ordinances are read.
President Arndt: Dr. Norris, if you would please move onto our other reports beginning with the Planning Commission Report.

- **Other Reports:**

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

Planning Commission Report of regular meeting May 8, 2007:

APPLICANT:	Allen D. Retay, 7700 Race Road
OWNER:	Same
REQUEST:	Lot split to allow existing buildings to be completely situated on each landlocked parcel
LOCATION:	7700 Race Road in an I-3 District Permanent Parcel Nos. 07-00-039-000-042, -045, -046, -047
PC ACTION:	Approved by a vote of five to zero with the condition that the owner meet the conditions set forth by the Chief Building Official and City Engineer

moved by Manning, seconded by Jaenke to approve the Planning Commission action regarding the lot split to allow the existing buildings to be completely situated on each landlocked parcel

President Arndt: Is there any discussion?
Council Member Jaenke: Mr. President, just to bring everyone up to date, this is a very unusual situation where we have a large parcel that is landlocked. The proposal was to actually split this parcel into three pieces subject to approval of the City Engineer and the Building Official. What

has to happen is that easements need to be established in order to provide water and sewer to the two rear parcels. That kind of detail needs to be completed by the applicant's engineer, then submitted to Mr. Fursdon and to our Engineer Larry for final approval. It is a very unusual situation where a piece of property is landlocked. By doing that, it will ultimately end up being three parcels that can be sold off or used for other purposes.
President Arndt: Thank you, Mr. Jaenke. Is there any other discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Report is approved.

APPLICANT:	Telemark Resources, Inc. (Windstream Ohio, Inc.), 26 Locust Street, P.O. Box 233, Oberlin, Ohio 44074
OWNER:	Metal Marker Manufacturing, 6225 Lear Nagle Road
REQUEST:	Placement of telephone switching equipment to upgrade telecommunication services to a portion of Lear Nagle Road.
LOCATION:	6225 Lear Nagle Road Permanent Parcel No. 07-00-008-115-004
PC ACTION:	Approved by a vote of five to zero

moved by Jaenke, seconded by Olesen to approve the Planning Commission action regarding the placement of telephone switching equipment
President Arndt: Is there any discussion?
Council Member Jaenke: Mr. President, again just to bring the group up to date. Windstream is planning to upgrade the local telephone service and this equipment will be off Lear Nagle and proper landscaping will also be included in the project. This is a positive thing because we obviously need to continue to upgrade our local telephone service. That is all I have.
President Arndt: Thank you, Mr. Jaenke. Is there any other discussion?
Mayor Gillock: Mr. President, I would like to ask Mr. Jaenke a question. I think that was the first Planning Commission meeting that I have not been in attendance. Was there a discussion relative to the placement of this equipment in relation to Lear Nagle Road and how far back it might be? My concern is that we want to make sure, and we'll contact them, but, that it is far enough back that it doesn't interfere with future widening.
Council Member Jaenke: Mr. Mayor, you are absolutely right. There was no discussion, but that is something that certainly needs to be considered.
President Arndt: Any other discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Report is approved.

APPLICANT:	Richard C. Mongello, Mongello Associates, Inc., 25114 Lorain Road, North Olmsted, Ohio 44070
OWNER:	Steve Ali, c/o 25114 Lorain Road, North Olmsted, Ohio 44070
REQUEST:	Approval to construct a new auto repair facility
LOCATION:	38070 Center Ridge Road in a B-3 District Permanent Parcel No. 07-00-039-000-011

PC ACTION: Approved by a vote of five to zero
moved by Jaenke, seconded by Olesen to approve the Planning Commission action to approve the construction of a new auto repair facility
President Arndt: Any discussion?
Council Member Jaenke: Mr. President, again a comment. Here we have a new business coming into town. Planning Commission did review the building itself and the type of materials that are going into the structure. It will be a very attractive building and will be a real asset to this particular portion of Center Ridge. Thank you.
President Arndt: Thank you, Mr. Jaenke. Any other discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?
Yes, 7 No, 0
Clerk of Council Norris: Report is approved.

T 47-2007 AN ORDINANCE AMENDING NRCO SECTION 1224.05 APPROVAL PROCEDURE FOR SUBDIVISIONS INVOLVING MORE THAN FIVE LOTS.
PC ACTION: Approved by a vote of five to zero
moved by Jaenke, seconded by Olesen to approve the Planning Commission action regarding T 47
President Arndt: Is there any discussion? Will the Clerk please take roll.
Yes, 5 No, 2 (Buescher, Butkowski)
Clerk of Council Norris: Report is approved by a vote of five to two.

T 48-2007 AN ORDINANCE AMENDING NRCO SECTION 1242.03 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY REQUIRED; CERTIFICATES FOR NONCONFORMING USES; ISSUANCE OF STREET NUMBERS FOR STRUCTURES; TIME LIMITATION FOR COMMENCEMENT OF WORK.
PC ACTION: Approved by a vote of five to zero
moved by Jaenke, seconded by Olesen to approve the Planning Commission action regarding T 48
President Arndt: Is there any discussion? There being none, will the Clerk please take roll.
Yes, 5 No, 2 (Buescher, Butkowski)
Clerk of Council Norris: Report is approved by a vote of five to two.

Clerk of Council Norris: Council will also please note in their packets this evening are:
Fire Department Report for April 2007;
Mayor's Court Operating Report for January, February, March and April of 2007;
Building Department Report for April 2007; and
Police Department Support Car Report for March 2007.

President Arndt: Dr. Norris, if you will begin with the first of three Committee Reports.

COUNCIL COMMITTEE REPORTS:

Clerk of Council Norris: This is one Council Committee Report this evening and that being:

1) FINANCE COMMITTEE REPORT #5661 dated May 8, 2007. Members of Council: We have considered the matter of creating the position of "Chief Resident Project Representative" and recommend that this request be approved and proper legislation be drawn authorizing the above.
Signed: Chairperson Manning and Members Boose and Jaenke.
moved by Manning, seconded by Boose to approve the Finance Committee Report #5661
President Arndt: Is there any discussion?
Council Member Manning: Mr. President, this is a new position in the Engineering Department and it will include an increase of approximately 1,700 dollars per year.
Council Member Boose: For clarification, it is a new title; not a new position. The position already exists. We're changing the title and increasing the salary.
President Arndt: Any other discussion?
Mayor Gillock: Mr. President, to further clarify. It is a new position, but it is not a new person. We are not adding staff.
President Arndt: Thank you for all that clarification. Any other discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?
Yes, 7 No, 0

2) FINANCE COMMITTEE REPORT #5662 dated May 8, 2007. Members of Council: We have considered the matter of creating a supplemental position of "Records Manager" to be compensated $4,000 per year and recommend that this request be approved and proper legislation be drawn authorizing the above.
Signed: Chairperson Manning and Members Boose and Jaenke.
moved by Manning, seconded by Boose to accept the Finance Committee Report #5662
President Arndt: Is there any discussion?
Council Member Manning: Mr. President, this is in reference to House Bill 9 relating to Public Records. There is quite a bit of work that goes along with this, so we felt that we should make it supplemental and pay 4,000 dollars yearly to that person.
President Arndt: Any other discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?
Yes, 7 No, 0

3) FINANCE COMMITTEE REPORT #5663 dated May 8, 2007. Members of Council: We have considered the matter of updating the Department Head compensation grid by adding additional pay rates with 2 ½ percent between the steps and recommend that this request be approved and proper legislation be drawn authorizing the above.
Signed: Chairperson Manning and Members Boose and Jaenke.
moved by Manning, seconded by Jaenke to accept the Finance Committee Report #5663
President Arndt: Is there any discussion?

Council Member Manning: Mr. President, some of these Department Heads haven't been able to get raises because the grid basically ends and the only way that they will be able to get raises is if we increase the grid. That is why we chose to do that.
President Arndt: Thank you, Mrs. Manning. Mr. Costin was there something you wanted to share?
Auditor Costin: Yes, Mr. President. The percentage increase in the report is two and a half percent. I believe that was intended to be two percent. The grids historically have had two percent between the columns and the one presented to the Finance Committee was two percent. I think that may be placed in there inadvertently. Unless Council determines that they want to change it, I believe that it should be two percent.
President Arndt: Any other discussion?
Auditor Costin: You have to amend it.
President Arndt: You're saying that was potentially a misprint.
Auditor Costin: I believe it was a misprint. But if you pass two and a half percent, I will need to change the grid to two and a half percent.
President Arndt: The Chair will entertain a motion to amend the Finance Committee Report #5663 to reflect increases of two percent versus two and a half

moved by Boose, seconded by Buescher to amend tonight the Finance Committee Report #5663 to reflect a correction from two and a half percent to two percent for the individual pay grade distinctions.

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

Yes, 7 No, 0

President Arndt: In addition, we have a motion on the floor by Mrs. Manning and a second by Mr. Jaenke to approve the Finance Committee Report #5663 as amended. Any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

President Arndt: That completes all of our committee reports. We now move to our correspondence.

CORRESPONDENCE:

Clerk of Council Norris: Three items of correspondence before Council this evening include:

1) Received a letter from Dennis M. Chack, Regional President of The Cleveland Electric Illuminating Company announcing proposed changes in electric rates resulting in an overall reduction in the regulated portion of a customers' bill.

2) Received an invitation to attend North Ridgeville's First Business Summit at the North Ridgeville Education Center on May 30 from 4:00 P.M. to 5:30 P.M. sponsored by Mayor Gillock, Public Sector Solutions and the North Ridgeville Chamber of Commerce.

3) Received a memo from Law Director Crites explaining the requirements to advertise

municipal real estate offered for sale.

President Arndt: That concludes all of our pieces of correspondence. There is no new business. We move now to the audience participation, our lobby section of our meeting tonight.

AUDIENCE PARTICIPATION (Lobby):

President Arndt: Any member of our audience has the opportunity and is invited to come forward and speak to your City Council. Just like we saw at the Public Hearing, if you should choose to do so, please come to the podium immediately to the right of Mrs. Buescher after you have collected the lobby form that you can find at the back of the room. When you come forward, please clearly state your name and your address and limit your comments to three minutes. Ladies and gentlemen, the lobby is now open.

1) Gerald Phillips, attorney representing residents in the neighborhood of the proposed rezoning on Bagley and Butternut Ridge. Mr. Phillips expressed his belief that this is a classic example of spot zoning. He also expressed his belief that this SDD is not compatible to that area and will be surrounded by residential. He noted that it doesn't conform to basic planning concepts. He stated that this is a Schmitt property and to his knowledge Mr. Jaenke may be employed by Mr. Schmitt and may have a conflict of interest on this issue.
President Arndt: Mr. Philips, your three minutes are up unless any Member of Council would choose.
Mr. Phillips: Thank you very much.

2) Jim Rothgery of 36484 Schaffer Drive noted that there are commercial properties across the street from this parcel on Lorain Road. He expressed his support in rezoning this particular parcel.

3) Kevin Corcoran, attorney for Bob Schmitt Homes of 8501 Woodbridge Court. Mr. Corcoran that the City has discussed the rezoning of this property for months when this Special Development District was created. He provided the history of this legislation along with the intent of the property being rezoned to Special Development District.

4) John Eavenson of 34816 Clear Creek Drive noted that the area may have been at one time considered to be a Special Development District. He provided the history relating to the parcel that Oster Homes purchased. He noted that, that area has now been established a residential region. He didn't believe that the rezoning would allow for good use, particularly because it is surrounded by residential property.

President Arndt: Is there anyone else who would like to address City Council tonight?
moved by Arndt, seconded by Boose to suspend our By-Laws tonight to dispense with recess
President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed

by no. Any abstentions?

Yes, 7 No, 0

RECESS: dispensed with

President Arndt: We now move into our Ordinance and Resolution Submittals starting with T 65

ORDINANCES AND RESOLUTIONS:

Clerk of Council Norris:

- **Ordinances & Resolutions Submittals**

T 65-2007 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF $705,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING LORAIN ROAD BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING, CONSTRUCTING CURBS, CATCH BASINS AND STORM SEWERS, RECONSTRUCTING THE PAVEMENT BASE AND PAVING, AVON BELDEN ROAD AND STONEY RIDGE ROAD BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING, CONSTRUCTING AND RECONSTRUCTING THE PAVEMENT BASE, WHERE NECESSARY, PREPARING THE SURFACE AND SURFACING AND RESURFACING AND BY INSTALLING TRAFFIC SIGNS AND SIGNALS AND TAYLOR PARKWAY BY INSTALLING STREET LIGHTING, WHERE NECESSARY, IN EACH CASE TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO.

moved by Olesen, seconded by Butkowski to suspend our By-Laws tonight to give T 65 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 66-2007 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF $700,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING THE CITY'S WATERWORKS SYSTEM BY REPLACING CERTAIN EXISTING WATER MAINS, WATER SERVICE CONNECTIONS AND FIRE HYDRANTS ON DEBBIE DRIVE, DORCHESTER AVENUE AND HIGHLAND DRIVE AND BY CONSTRUCTING WATER MAINS AND WATER SERVICE CONNECTIONS AND INSTALLING FIRE HYDRANTS BETWEEN CERTAIN TERMINI ON HARRIS DRIVE, BENDER ROAD, TAYLOR PARKWAY AND FLORALINE AVENUE, IN EACH CASE TOGETHER

WITH NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO.

moved by Olesen, seconded by Manning to suspend our By-Laws tonight to give T 66 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 67-2007 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF $240,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING THE CITY'S STORM WATER DRAINAGE SYSTEM BY CONSTRUCTING STORM SEWERS AND STORM SEWER HEADWALLS, INSTALLING CATCH BASINS AND IMPROVING DITCHES AND SWALES IN CERTAIN DESIGNATED CITY STREETS AND EASEMENTS, TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO.

moved by Buescher, seconded by Olesen to suspend our By-Laws tonight to give T 67 its first reading

President Arndt: Is there any discussion? There being none, will the Clerk please take roll.

Yes, 6 No, 0 Abstain, 1 (Butkowski)

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

T 68-2007 AN ORDINANCE AMENDING ORDINANCE NO. 4385-2007 WHICH CREATED THE FULL-TIME POSITION OF INFORMATION TECHNOLOGY SPECIALIST.

President Arndt: Before we go on, the Law Director has requested an opportunity to share a comment.

Law Director Crites: Thanks Mr. President. Just for Council's edification, this ordinance proposes to amend the recently passed ordinance creating the IT position. The reason being is as it was drafted and passed, it contained a conflict which this new ordinance intends to remove. That conflict being that the previous ordinance creating the position defines this new employee as being in the unclassified civil service, which frankly is impossible if you read strictly the terms of our Charter, specifically section 10.3. This person has to be in the classified civil service and as a matter of fact, I have already advised the Civil Service Commission, which has met and found this position to be classified accordingly. In short, as you will see in the last line, the proposed section one of the amendment simply seeks to clarify and remove that conflict and define this position as a classified civil servant.

President Arndt: Thank you. Mr. Johnson?

Safety-Service Director Johnson: If we could, I would like to get this passed this evening. We have the position waiting to be filled.

moved by Buescher, seconded by Jaenke to suspend our By-Laws tonight to give T 68 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
President Arndt: Mr. Johnson, are you looking for this to be adopted tonight?
Safety-Service Director Johnson: Yes, it would be appreciated as we have chosen the person to fill the job. We just need to get the job together first.
President Arndt: No emergency is required for this is there?
Safety-Service Director Johnson: No.

T 69-2007 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH A CONSULTING ENGINEERING FIRM FOR PRELIMINARY DESIGN SERVICES FOR THE SOFTBALL WORLD/INDUSTRIAL STREET AND OTHER APPURTENANCES, NOT TO EXCEED $25,700.00.

moved by Boose, seconded by Butkowski to suspend our By-Laws tonight to give T 69 its first reading

President Arndt: Is there any discussion?
Mayor Gillock: Mr. President, this is a first step in a long project. We have been talking to Softball World, which is currently located in Parma Heights, for a year and a half to two years regarding this project. There is also an adjacent property owner that is involved and it is kind of complicated with the three parties involved. They want to start planting grass this year so they can play ball there next year. It is their plan to build on private property, adjacent to our property, a Basketball World composing of five indoor courts, then on City property constructing ten softball fields. Five of those would be for their use and five would be for our use, which they would operate for us and to make that happen, we need to get a road built to the rear of the property. We have reached an agreement with the adjacent property owner, Mr. DeSalvo that should the project not go forward, he would reimburse us half the cost for the engineering because that has value to him. Should the project continue to go forward as we hope it will, then this amount of money will become part of the assessment project with Mr. DeSalvo. When we get to that point, we will negotiate a percentage that he will be assessed for the entire project including the building, the engineering, the building of the road and everything that goes with it. We need him to participate, because when we got that property, which we purchased from First Energy, we purchased 67 acres of land for 25,000 dollars. One of the deed restrictions besides that it has to be used for recreational purposes, is that we can't excavate more than two feet on that property because it was a fly ash pit. It has a clay cap on it. It doesn't give off gas or anything like that. They don't want us excavating and piercing that cap. We need to work with him to put the road and utilities on his property to serve both properties. We are partnering with Mr. DeSalvo to make this whole project happen in order to bring Softball World here, to bring Basketball World here and other recreational uses there. I think it will be a great recreational spot for the City. We would like to go ahead and get started and that is why we would like to get this passed so we can start this preliminary engineering. Thank you.
President Arndt: Thank you, Mr. Mayor. Is there any other discussion?
Auditor Costing: Yes, for the record, because this wasn't appropriated previously in our

meetings, this was a type of item that will be charged to one of our contingencies in the appropriate fund.

President Arndt: Thank you, Mr. Costin. As a reminder for everyone, we have a motion on the floor by Mr. Boose, a second by Mrs. Butkowski to suspend our By-Laws tonight on T 69 All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

T 70-2007 AN ORDINANCE AMENDING ORDINANCE NO. 4367-2007 REGARDING THE RECONSTRUCTION OF LORAIN ROAD, PHASE 2, (BAGLEY ROAD TO ROOT ROAD), INCLUDING OTHER NECESSARY APPURTENANCES AND WORK-RELATED INCIDENTALS THERETO, AND INCREASING THE AMOUNT FROM $672,000.00 TO $902,000.00.

moved by Mayor Gillock, seconded by Butkowski to suspend our By-Laws tonight to give T 70 its first reading

President Arndt: Is there any discussion?

Mayor Gillock: Mr. President, I would like to explain the increase on this particular project. We have already approved 672,000. When we began working on this particular project almost two years ago and presented it to the Ohio Public Works Commission, our original estimate was somewhere right around 900,000. The Ohio Public Works Commission said that they will not fund a project of that size. If you want funding from us, you need to scale that down. So we scaled it down to 672,000 of which they funded 310,000 dollars. We then went to Council and Finance Committee and said alright, we can continue and do this in two phases or we can do the whole project right now, which would include Lorain Road with concrete, curbs, gutters and a storm drainage system. If was felt that we should do the project now, rather than start at Root Road, come east and stop about three fourths of the way and then have to come back and finish it. With the redesign of the project and the increase in concrete costs, that explains why we have the increase at this time. Thank you.

President Arndt: Thank you, Mr. Mayor. Any other discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

T 71-2007 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH A CONSULTING ENGINEERING FIRM FOR PLANS, SPECIFICATIONS, AND CONSTRUCTION PHASE SERVICES, AND TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR THE DORCHESTER AVENUE, HIGHLAND DRIVE AND DEBBIE DRIVE WATERLINE REPLACEMENT PLUS THE CONSTRUCTION OF NEW WATERLINE LOOP CONNECTIONS BETWEEN ROOT ROAD AND HARRIS ROAD ALONG HARRIS ROAD, BETWEEN LEAR NAGLE ROAD AND FLORALINE AVENUE ALONG FLORALINE AVENUE, AND BETWEEN BENDER ROAD AND TAYLOR PARKWAY ALONG BOTH

ROADWAYS, AND INCLUDING OTHER NECESSARY APPURTENANCES AND WORK-RELATED INCIDENTALS THERETO, NOT TO EXCEED $700,000.00.

moved by Olesen, seconded by Jaenke to suspend our By-Laws tonight to give T 71 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 72-2007 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT FOR THE SALE OF REAL PROPERTY LOCATED AT 7459 RACE ROAD, NORTH RIDGEVILLE, OHIO.

moved by Mayor Gillock, seconded by Manning to suspend our By-Laws tonight to give T 72 its first reading

President Arndt: Is there any discussion?

Mayor Gillock: Mr. President, just by way of explanation, as you will see it in the body of the report. This is property that we bought two years ago during a sewer project. Rather than becoming involved in prolonged litigation, we reached an agreement with the owner of the property and purchased it. The sewer project is now finished and because we purchased it with sewer funds, we have to sell it. We can't hang onto it. We hired a real estate professional last October. It has been on the market ever since then. They have had more than 30 people through looking at it. This is the only and highest legitimate offer that we have had on the property and I think it would well serve the City and its residents to go ahead and sell this property. The purchaser is pre-approved for his (tape one, side B ends) (tape two, side A begins)

President Arndt: We have a motion on the floor by Mayor Gillock, a second by Mrs. Manning to suspend our By-Laws tonight to give T 72 its first reading. Any further discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

President Arndt: That concludes all of our Ordinance and Resolution Submittals. We now moved to what will be a very long list of first readings. Dr. Norris, if you will begin with T 7.

- **First Readings**

Clerk of Council Norris: First Readings tonight include:

T 7-2007 REVISED AN ORDINANCE OUTLINING GENERAL REQUIREMENTS REGARDING LIENS AND APPLICABLE TO ALL LIEN PROCEDURES CONTAINED IN THE CODIFIED ORDINANCES.
First Reading

T 9-2007 REVISED AN ORDINANCE OF THE CITY OF NORTH RIDGEVILLE, OHIO ADOPTING AND ENACTING CABLE TELEVISION CUSTOMER SERVICE

4403-2007 STANDARDS OF THE CITY OF NORTH RIDGEVILLE AND REPEALING EXISTING "EXHIBIT A" OF ORDINANCE 3014-94.
First Reading
moved by Olesen, seconded by Jaenke to dispense with the second and third readings tonight on T 9-2007 Revised

President Arndt: Is there any discussion?
Council Member Olesen: Yes, Mr. President. This is down in Columbus right now and we may lose our input on cable franchising if legislation that is currently down there goes through. I think we should get this through tonight and be done with it.
Safety-Service Director Johnson: Yes, if the legislature has its way with the change in the rules on cable television, this whole mission would be a moot point. This plans on taking our right away to regulate cable service and control how they deal with our customers. I don't know if it is a good thing or a bad thing to hurry this through. It all depends on what happens with the State.
President Arndt: All those in favor signify by yes. All those opposed by no. Any abstentions?
Yes, 7 No, 0
moved by Olesen, seconded by Jaenke to adopt tonight T 9-2007 Revised
moved by Olesen, seconded by Jaenke to add the emergency to T 9-2007 Revised to show our Columbus legislators our thoughts about this project
President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?
Yes, 7 No, 0
President Arndt: Additionally, we have a motion on the floor by Mr. Olesen, seconded by Mr. Jaenke to adopt tonight T 9-2007 Revised with the emergency. Is there any discussion?
Council Member Boose: I have no issue with passing this, this evening with the emergency. We have been discussing this since the end of January and we have agreed to the terms and conditions on this revised ordinance. So, we might as well get it done with.
President Arndt: Thank you, Mr. Boose. 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 9 Revised is adopted with the emergency becoming permanent ordinance 4403-2007.
Permanent Ordinance No. 4403-2007.

T 51-2007 A RESOLUTION ACCEPTING THE DONATION OF A PARCEL OF LAND UPON WHICH THE CUL-DE-SAC OF NOLL DRIVE IS LOCATED AND DEDICATING IT FOR PUBLIC PURPOSES.
First Reading
President Arndt: THE CHAIR REFERS T 51-2007 TO THE PLANNING COMMISSION.

T 58-2007 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST

BIDDER FOR THE PURCHASE AND IMPLEMENTATION OF A WIRELESS/CELLULAR COMMUNICATION SYSTEM FOR SANITARY SEWER METERS, INCLUDING EQUIPMENT, SOFTWARE, ACCESSORIES AND OTHER APPURTENANCES, NOT TO EXCEED $100,000.00.
First Reading

T 62-2007
4404-2007
AN ORDINANCE AUTHORIZING THE DISPOSITION OF CERTAIN PERSONAL PROPERTY OWNED BY THE CITY OF NORTH RIDGEVILLE PURSUANT TO O.R.C. SECTION 721.15.
First Reading
moved by Mayor Gillock, seconded by Olesen to dispense with the second and third readings tonight on T62
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 Olesen, seconded by Jaenke to adopt tonight T 62
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 62 is adopted becoming permanent ordinance 4404-2007.
Permanent Ordinance No. 4404-2007.

T 73-2007
4405-2007
AN ORDINANCE AMENDING APPROPRIATION ORDINANCE 4380-2007 FOR THE CITY OF NORTH RIDGEVILLE OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2007 ENDING DECEMBER 31, 2007.
First Reading
moved by Boose, seconded by Buescher to dispense with the second and third readings tonight on T 73 as amended
President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?
Yes, 7 No, 0
moved by Boose, seconded by Buescher to adopt tonight T 73 as amended
President Arndt: Is there any discussion?
Council Member Boose: Mr. President, I would ask for clarification from the Auditor if we need the emergency on this?
Auditor Costin: Yes, we would need the emergency.
moved by Boose, seconded by Buescher to add the emergency to T 73 as amended so that we can complete the necessary projects as already discussed
President Arndt: Any discussion?
Council Member Boose: Yes, Mr. President. Just a note. It was mentioned earlier, but it is worth mentioning again that all of these items we have already discussed in appropriations and this is just a formality to make sure that we get these passed timely. Thank you.
President Arndt: Thank you. Any other discussion? All those in favor signify by yes. All those

opposed by no. Any abstentions?

Yes, 7 No, 0

President Arndt: We also have a motion on the floor by Mr. Boose and a second by Mrs. Buescher to adopt tonight T 73 as amended with the emergency. Any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 73 amended is passed with the emergency becoming permanent ordinance 4405-2007.

Permanent Ordinance No. 4405-2007

T 65-2007
4406-2007

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF $705,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING LORAIN ROAD BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING, CONSTRUCTING CURBS, CATCH BASINS AND STORM SEWERS, RECONSTRUCTING THE PAVEMENT BASE AND PAVING, AVON BELDEN ROAD AND STONEY RIDGE ROAD BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING, CONSTRUCTING AND RECONSTRUCTING THE PAVEMENT BASE, WHERE NECESSARY, PREPARING THE SURFACE AND SURFACING AND RESURFACING AND BY INSTALLING TRAFFIC SIGNS AND SIGNALS AND TAYLOR PARKWAY BY INSTALLING STREET LIGHTING, WHERE NECESSARY, IN EACH CASE TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO.

First Reading

moved by Boose, seconded by Butkowski to dispense with the second and third readings tonight on T 65

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

Yes, 7 No, 0

moved by Boose, seconded by Butkowski to adopt

moved by Boose, seconded by Butkowski to add the emergency to T 65 so that we can meet the deadline to the contractor and for the welfare and safety of our residents

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

Yes, 7 No, 0

President Arndt: Additionally, we have a motion on the floor by Mr. Boose and a second by Mrs. Butkowski to adopt tonight T 65 with the emergency. Any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 65 is adopted with the emergency becoming permanent ordinance 4406-2007.

Permanent Ordinance No. 4406-2007

T 66-2007
4407-2007
AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF $700,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING THE CITY'S WATERWORKS SYSTEM BY REPLACING CERTAIN EXISTING WATER MAINS, WATER SERVICE CONNECTIONS AND FIRE HYDRANTS ON DEBBIE DRIVE, DORCHESTER AVENUE AND HIGHLAND DRIVE AND BY CONSTRUCTING WATER MAINS AND WATER SERVICE CONNECTIONS AND INSTALLING FIRE HYDRANTS BETWEEN CERTAIN TERMINI ON HARRIS DRIVE, BENDER ROAD, TAYLOR PARKWAY AND FLORALINE AVENUE, IN EACH CASE TOGETHER WITH NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO.
First Reading
moved by Boose, seconded by Buescher to dispense with the second and third readings tonight on T 66

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

Yes, 7 No, 0

moved by Boose, seconded by Buescher to adopt tonight T 66
moved by Boose, seconded by Buescher to add the emergency tonight to T 66 so that we can meet the contractor deadline and for the welfare and safety of our residents

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

Yes, 7 No, 0

President Arndt: In addition, we have a motion on the floor by Mr. Boose, seconded by Mrs. Buescher to adopt tonight T 66 with the emergency. Any discussion?
Council Member Boose: Mr. President, just a note for everyone to remember that we have already approved this in appropriations and discussed it. This legislation provides the funding mechanism for that. Thank you.
President Arndt: Thank you, Mr. Boose. Anyone else? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 66 is adopted with the emergency becoming permanent ordinance 4407-2007.

Permanent Ordinance No. 4407-2007

T 67-2007
4408-2007
AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF $240,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING THE CITY'S STORM WATER DRAINAGE SYSTEM BY CONSTRUCTING STORM

SEWERS AND STORM SEWER HEADWALLS, INSTALLING CATCH BASINS AND IMPROVING DITCHES AND SWALES IN CERTAIN DESIGNATED CITY STREETS AND EASEMENTS, TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO.

First Reading

moved by Boose, seconded by Jaenke to dispense with the second and third readings tonight on T 67

President Arndt: Is there any discussion? There being none, will the Clerk please take roll.

Yes, 6 No, 0 Abstain, 1 (Butkowski)

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

moved by Boose, seconded by Jaenke to adopt tonight T 67

moved by Boose, seconded by Jaenke to add the emergency tonight to T 67 in order to get the funding in place to get these projects started

President Arndt: Any discussion? There being none, will the Clerk please take roll.

Yes, 6 No, 0 Abstain, 1 (Butkowski)

Clerk of Council Norris: Motion is approved by a vote of six, zero and one abstention.
President Arndt: In addition, we have a motion on the floor by Mr. Boose, seconded by Mr. Jaenke to adopt tonight T 67 with the emergency. Is there any discussion?
Council Member Boose: Mr. President, again, just as clarification, we have already approved these expenditures in appropriations and this legislation just places the funding. Thank you.
President Arndt: Thank you, Mr. Boose. There being no other discussion, will the Clerk please take roll.

Yes, 6 No, 0 Abstain, 1 (Butkowski)

Clerk of Council Norris: T 67 is adopted with the emergency by a vote of six, zero, one abstention and becomes permanent ordinance 4408-2007.

Permanent Ordinance No. 4408-2007

T 68-2007
4409-2007 AN ORDINANCE AMENDING ORDINANCE NO. 4385-2007 WHICH CREATED THE FULL-TIME POSITION OF INFORMATION TECHNOLOGY SPECIALIST.

First Reading

moved by Olesen, seconded by Jaenke to dispense with the second and third readings tonight on T 68

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 Manning to adopt tonight T 68

President Arndt: Any discussion?
Council Member Boose: Mr. President, just for clarification. I voted against the original ordinance when it first came before because it has yet to be formerly discussed and approved at appropriations. Since that time, it has been and I will be voting in favor of this legislation. Thank you.
President Arndt: Thank you, Mr. Boose. 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 68 is adopted becoming permanent ordinance 4409-2007.

Permanent Ordinance No. 4409-2007

T 69-2007
4410-2007
AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH A CONSULTING ENGINEERING FIRM FOR PRELIMINARY DESIGN SERVICES FOR THE SOFTBALL WORLD/INDUSTRIAL STREET AND OTHER APPURTENANCES, NOT TO EXCEED $25,700.00.

First Reading

moved by Olesen, seconded by Jaenke to dispense with the second and third readings tonight on T 69

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 Manning to adopt tonight T 69

President Arndt: Any discussion?

Council Member Boose: Mr. President. I want to applaud the Mayor and the Administration for their hard work and dedication in attempting to bring Softball World to our community. They have been in negotiations for a couple of years now and it will be a big asset to our community. The North Ridgeville Parks and Rec Commission have approved the concept of this and are very much in favor of this valuable asset to our community. Thank you.

moved by Olesen, seconded by Boose to add the emergency to T 69 because this is a construction project here where there is lots of things to do that requires warm weather, such as planting grass, etc.

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

Yes, 7 No, 0

President Arndt: Additionally, we have a motion on the floor by Mr. Olesen, a second by Mrs. Manning to adopt tonight T 69 with the emergency. Any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 69 is adopted with the emergency becoming permanent ordinance 4410-2007.

Permanent Ordinance No. 4410-2007

T 70-2007
4411-2007
AN ORDINANCE AMENDING ORDINANCE NO. 4367-2007 REGARDING THE RECONSTRUCTION OF LORAIN ROAD, PHASE 2, (BAGLEY ROAD TO ROOT ROAD), INCLUDING OTHER NECESSARY APPURTENANCES AND WORK-RELATED INCIDENTALS THERETO, AND INCREASING THE AMOUNT FROM $672,000.00 TO $902,000.00.

First Reading
moved by Olesen, seconded by Butkowski to dispense with the second and third readings tonight on T 70
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 Manning to adopt tonight T 70
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 70 is adopted becoming permanent ordinance 4411-2007.
Permanent Ordinance No. 4411-2007

T 71-2007
4412-2007
AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH A CONSULTING ENGINEERING FIRM FOR PLANS, SPECIFICATIONS, AND CONSTRUCTION PHASE SERVICES, AND TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR THE DORCHESTER AVENUE, HIGHLAND DRIVE AND DEBBIE DRIVE WATERLINE REPLACEMENT PLUS THE CONSTRUCTION OF NEW WATERLINE LOOP CONNECTIONS BETWEEN ROOT ROAD AND HARRIS ROAD ALONG HARRIS ROAD, BETWEEN LEAR NAGLE ROAD AND FLORALINE AVENUE ALONG FLORALINE AVENUE, AND BETWEEN BENDER ROAD AND TAYLOR PARKWAY ALONG BOTH ROADWAYS, AND INCLUDING OTHER NECESSARY APPURTENANCES AND WORK-RELATED INCIDENTALS THERETO, NOT TO EXCEED $700,000.00.
First Reading
moved by Mayor Gillock, seconded by Buescher to dispense with the second and third readings tonight on T 71
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 Manning to adopt tonight T 71
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 71 is adopted becoming permanent ordinance 4412-2007.
Permanent Ordinance No. 4412-2007

T 72-2007
4413-2007
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT FOR THE SALE OF REAL PROPERTY LOCATED AT 7459

RACE ROAD, NORTH RIDGEVILLE, OHIO.
First Reading
moved by Butkowski, seconded by Buescher to dispense with the second and third readings tonight on T 72

President Arndt: 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 72
moved by Butkowski, seconded by Olesen to add the emergency tonight to T 72 because of the contract deadlines

President Arndt: 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 72 with the emergency. Any discussion?
Council Member Boose: Mr. President. If we could perhaps hear from the Law Director. I just want to verify that in his opinion that the City has met the notification requirements.
Law Director Crites: Having my nose buried in Roberts Rules, could you clarify which ordinance we are discussing?
President Arndt: The sale of the house and the five week notification.
Law Director Crites: Yes, most definitely. As I stated in my memorandum that I circulated to Council, it is almost comical in the fact, that we have through the services of the real estate professional redoubled what would be the statutory requirement of five weeks in a local newspaper, general circulation, six times over. It has hit not just the people reading that local paper, but the web has gone far and wide to try and secure this buyer and I think this Council can be rest assured that this is most definitely the most highest bid that the City is going to see on this.
Council Member Boose: Thank you.
President Arndt: Any other discussion? We have a motion on the floor by Mrs. Butkowski, a second by Mr. Olesen, to adopt tonight T 72 with the emergency. All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 72 is adopted with the emergency becoming permanent ordinance 4413-2007.

Permanent Ordinance No. 4413-2007

President Arndt: We have now completed our first readings. Dr. Norris will start with T 13.

- **Second Readings**

Clerk of Council Norris: Second readings:

T 13-2007 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A

CONTRACT ON BEHALF OF THE CITY WITH THE LORAIN COUNTY RURAL WASTEWATER DISTRICT CONCERNING THE COLLECTION AND DISPOSAL OF WASTEWATER IN THE PROPOSED JOINT ECONOMIC DEVELOPMENT DISTRICT IN EATON TOWNSHIP.
Second Reading

T 41-2007 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO PURCHASE A NEW WATER VAN INCLUDING APPURTENANCES FROM THE STATE CO-OP, OR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT TO EXCEED $40,000.00.
Second Reading

President Arndt: That concludes our second readings. We are now onto our third readings.

- **Third Readings**

Clerk of Council Norris: Third readings this evening:

T 173-2006 REVISED 4414-2007 AN ORDINANCE AMENDING CHAPTER 1028, DITCHES, WATERCOURSES AND DRAINAGE IMPROVEMENTS TO ALLOW THE CITY TO RECOUP ITS EXPENSES FOR MAINTAINING WATERWAYS ON PRIVATE PROPERTY AND TO CLARIFY THE RESPONSIBILITY OF PRIVATE LANDOWNERS.
Third Reading
moved by Olesen, seconded by Jaenke to adopt tonight T 173-2006 Revised

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

Yes, 7 No, 0

Clerk of Council Norris: T 173-2006 Revised is adopted becoming permanent ordinance 4414-2007.

Permanent Ordinance No. 4414-2007

T 30-2007 4415-2007 AN ORDINANCE REPEALING CHAPTER 1423 AND REPLACING IT WITH THE MOST CURRENT EDITION OF THE RESIDENTIAL CODE OF OHIO.
Third Reading
moved by Manning, seconded by Olesen to adopt tonight T 30-2007

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

Yes, 7 No, 0

Clerk of Council Norris: T 30-2007 is adopted becoming permanent ordinance 4415-2007.

Permanent Ordinance No. 4415-2007

T 17-2007 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED
4416-2007 ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO KNOWN AS THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING LAND: APPROXIMATELY 13.05 ACRES LOCATED ON THE SOUTHEAST CORNER OF BUTTERNUT RIDGE ROAD AND BAGLEY ROAD, PERMANENT PARCEL NUMBERS 07-00-011-102-009; 07-00-011-102-012 AND 07-00-011-102-013 (AS SHOWN BY LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE DISTRICT TO SDD SPECIAL DEVELOPMENT DISTRICT AND OWNED BY BAGLEY LORAIN PROPERTIES LLC.
Third Reading
moved by Olesen, seconded by Jaenke to adopt tonight T 17

President Arndt: Is there any discussion?

Council Member Buescher: Mr. President, I have been receiving inquiries concerning the rezoning of this Bagley Lorain Road property. Council needs to be aware of some issues before voting this evening. I spent the morning going over my Planning Commission minutes starting with the previous request in December 2005 to rezone this property to a Special Development District, if enough property could have been purchased by the applicant to amount to ten acres. Having less than ten acres at the time of the Planning Commission meeting; while looking into purchasing more land, the applicant requested rezoning to B-3. This was for a landscaping business at that location. I find the minutes to be very revealing in what was demanded of the applicant; above and beyond normal procedure and in the way he was discouraged from locating at Bagley and Lorain Roads. In the end his application was denied. He was dismayed and confused. Ironically, representatives of the City constantly talk about encouraging legitimate business to come into this community. One resident businessman in attendance and from that area of the City, spoke out at length against the rezoning for a landscaping business. He is now the very applicant applying for rezoning to SDD status on that property. Now, residents and others are coming forward at the Public Hearing and through phone calls to Council Members, which is exactly what they are supposed to be doing to let us know of their concerns. One resident stood before us last meeting and opposed the rezoning because this project will abut their development, may decrease their property values and they want the area to remain residential. They along with Oster Builders feel that the remaining property on Bagley Road is no longer appropriate for SDD zoning because the bulk of the surrounding area which was originally slated for SDD status is strictly residential and will not change. The applicant for the landscaping business was told that he could not have rezoning because he did not have an exact plan in place for what he wanted to do on the property. He was, according to the Planning Commission report, discouraged from coming to the meeting with an exact plan in place. Then when he attempted to give an idea of what he planned to do, which in my estimation sounded like it would have been a very good plan, his attempt was thwarted. Now, the new applicant for the SDD zoning does not have an exact plan in place or any plan in place, but his application was accepted by the Planning Commission. This group of residents who will be directly impacted by rezoning to SDD status do not have a clue what will be coming to that corner. I believe these are serious inconsistencies which need to be addressed. Anyone reading the Planning Commission

Report of December 13, 2005, then looking at the request before us this evening would have to question the entire process. Also, the March 13, 2007 Planning Commission minutes are interesting to say the least and should be carefully considered in this decision. Considering the inconsistencies in the approval process of recommending zoning changes to Council as well as the potential problems this may cause the City as a result, I highly recommend that City Council vote no on this request to rezone tonight. Thank you.
President Arndt: Thank you, Mrs. Buescher. Anyone else?
Council Member Olesen: Yes, Mr. President. I will refer back to the same time that Mrs. Buescher went back to. I think part of his project was also a restaurant or cafeteria, whatever you want to call it. To observe the set backs that he needed to do that, his restaurant would have been right in the lake. That was another reason why this was disapproved. I appreciate the comments tonight that Mr. Davis made. I served with him on the Master Plan Committee on the corridor development and from that I went on to Council. When we worked out the Special Development legislation, it probably is the most controlled by the City. We can pretty much demand what we think should be there and how it should be there. I think for that reason, I will be in favor of it.
President Arndt: Thank you, Mr. Olesen. Did I hear someone else?
Council Member Boose: Yes, Mr. President as I said to you earlier today, I learned last week that another department within the company that I work for is in the middle of bidding on a project with a land owner very close to this property. Although, I would not personally gain from this venture, if this department was successful, the company that I work for would be and therefore to avoid any potential conflict of interest, I will be abstaining from the vote this evening. Thank you.
President Arndt: Thank you, Mr. Boose. Any other comments?
Council Member Butkowski: Mr. Chairman, I have had some phone calls from the people that live in that area that are opposed to that because it is a residential area. I've been thinking this over and Mr. Davis made a comment tonight that if the property is changed to SDD, we don't know what will be in there and that is my concern. We have nothing and we don't know what is going to be in there and we had plenty of time to change it if something comes up. I was reviewing the Planning Commission meeting minutes from October 11, 2005 and Mr. Corcoran stated that if the Commission is not really sure tonight on what plan is going to be decided, it seems silly to approve something before the Commission actually knows what is going in there. I agree with that statement too. We don't know what is going in there and these people want to keep it residential. So, let's be sure if we do change it to SDD. SDD is good for what it is there for, but let's know especially when we have people that want it only residential, what is going in there so that if a business does go in there, it will be something that will work and blend well with residents. Let's be real cautious because once we change it to SDD, anything that is permitted within the SDD can legally go in there. You have to remember. Once you rezone it, you allow everything that is in that ordinance to go in there. It is very difficult to tell them no. I couldn't get up in a court room and defend that.
Council Member Buescher: Mr. President, at the last Planning Commission meeting, there were several residents from the Oster Development whose properties will surround this particular commercial development. They were opposed and Planning Commission went ahead and approved this. If you notice, the people who spoke up tonight are from Ridgefield, which is

across the street and further down. They will not be affected in any way shape or form by the change of this property, but the residents in the Oster Development will be and I think that what the representative said from there tonight is serious for these people who went in thinking that there were moving into a residential area. This isn't something that has to be done. That land can be developed as residential and the owner will not lose in that process just as someone else mentioned here tonight.

President Arndt: Thank you. Any other comments by anyone on Council? There being none, just as a reminder for everyone, we have a motion on the floor by Mr. Olesen, a second by Mr. Jaenke to adopt tonight T 17. Will the Clerk please take roll.

Yes, 4 No, 2 (Buescher, Butkowski) Abstain, 1 (Boose)

Clerk of Council Norris: Motion is adopted by a vote of four, two, one abstention and becomes permanent ordinance 4416-2007

Permanent Ordinance No. 4416-2007

President Arndt: That concludes all of our third readings and we move now to old business.

OLD BUSINESS:

T 8-2007 AN ORDINANCE AMENDING CHAPTER 1024, SIDEWALKS,
REVISED TO REFLECT CHANGES TO THE SIDEWALK DEPOSIT REQUIREMENTS.

President Arndt:. The Law Director has some comments with regard to T 8-2007 Revised.

Law Director Crites: Thank you, Mr. President. If I can, impose upon Council. I am requesting that this again be postponed. This is a mechanical ordinance just updating the manner in which we take sidewalk deposits and hold them, ensure that they are applied; and more specifically ensure that developers and builders build the sidewalks they promised to build. As this ordinance came out and I noticed it today coming out of Committee, that there is some language in it; mind you, non operative language, that I find balking awkward that I just ask for two weeks to clean up and resubmit it. It will be before you at the next Council meeting for passage.

moved by Boose, seconded by Butkowski to postpone T 8-2007 Revised until the next Council meeting dated June 4

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: That concludes all of our old business and we now complete with our meeting announcements.

UPCOMING MEETING ANNOUNCEMENTS:

Clerk of Council Norris: Upcoming meeting announcements include:

Next Regular Council Meeting Monday, June 4, 2007 at 7:30 P.M. in Council Chambers.

ADJOURN:

moved by Butkowski to adjourn

Meeting adjourned at 9:30 P.M.

MOTION Butkowski 2ND Manning DATE June 4, 2007

YES 7 NO 0 ABSTAIN 0

PRESIDENT OF COUNCIL DR. RONALD F. ARNDT

CLERK OF COUNCIL CHARLES A. NORRIS