

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING MAY 17, 2004**

CALL TO ORDER: 7:30 P.M.

President Ronald Arndt: The Chair calls to order our North Ridgeville City Council regular meeting dated Monday, May 17, 2004. If you all will rise for the Invocation and Pledge.

INVOCATION: lead by President Arndt.

PLEDGE OF ALLEGIANCE: by all.

CALLING OF THE ROLL - ROLL CALL:

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

Absent was Council Member Richard Jaenke.

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

President Arndt: Before we go into our minutes this evening, I would like to pause for those in the audience. If you'll notice, one of our Council persons is not with us, Mr. Dick Jaenke from ward three. A little over a week ago Mr. Jaenke underwent open heart surgery and we're happy to report that, to this point, it has been very successful. He's had several blockages repaired and replaced. He's had an aortic valve replaced. He's had a couple other valves repaired and as the Mayor said, besides that he's probably doing okay. Our friend is to be home either late tonight or sometime tomorrow and as you can well imagine, he's been a little uncomfortable and as spry as our friend is. I think he's discovered that it's a little bit more challenging than stubbing a toe. All of us on Council wish Dick a speedy recovery and it will be my charge and challenge to keep you posted as to his well being. Is there anything else anybody needs to mention? I will ask the Clerk to read our minutes.

MINUTES - Corrections (if any) and Approval:

Clerk of Council Norris:

 moved by Butkowski, seconded by Buescher to combine our approval of Public Hearing minutes on T 56 and T 31

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

 Yes, 6 No, 0

Public Hearing Minutes of May 3, 2004 regarding T 56-2004

Public Hearing Minutes of May 3, 2004 regarding T 31-2004

moved by Buescher, seconded by Butkowski to approve the Public Hearing Minutes on T 56 and T 31

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

Yes, 6 No, 0

Council Minutes of regular meeting held May 3, 2004

moved by Butkowski to approve, seconded by Olesen

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

Yes, 6 No, 0

MAYOR AND DIRECTORS REPORTS:

President Arndt: We now come to the Mayor and Directors reports. The Chair invites the Mayor and the Directors the opportunity to provide Council with an oral report. We would like to be begin with the Mayor. Mr. Mayor, is there any report from your office?

Mayor

Mayor Gillock: Thank you, Mr. President and Council Members. First, I would like to thank all who participated in Pride Day Saturday. Those of you here this evening should note the flowers around City Hall, the Senior Center and at South Central Park and other areas of the City. Several people worked in the rain all day Saturday accomplishing that.

The Rotary Club donated three new flag poles which have been installed at the Shady Drive Baseball Complex. All of this is very much appreciated.

Tonight, I'm asking that By-Laws be suspended to add an ordinance to the agenda under new business. The ordinance is in regards to the purchase of new police vehicles. I will make a motion at this time to add that ordinance to the agenda.

moved by Mayor Gillock, seconded by Young to add the ordinance regarding the purchase of police vehicles tonight under new business

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

Mayor Gillock: As a way of explanation, Council has already approved borrowing the funds to purchase police vehicles. The monies been appropriated and everything is in place. However, since it's more than 25,000 dollars, we still need Council's approval. The Police Chief did start his investigation of purchasing the vehicles which we'll get from the State bid list. The State does the bidding and gets the lowest price. Those are annual contracts. What we found out, or Rick did when he started doing his investigation is, the current contract expires Wednesday, May 19. If we do not pass this, this evening, we will have to wait until the new bid is contracted out which would be sometime in July, meaning, we would not get the cars until, probably, towards

the end of the year and it would highly be expected they would cost more. In addition, we think that if we do this now, we may be able to get 2005 vehicles at the 2004 price. That's why we want to put this on here tonight to get this passed tonight so we can order the cars which are already approved. We need your approval to do that.

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

Yes, 6 No, 0

Mayor Gillock: Mr. Clerk, would you please assign a T number to that ordinance.

Clerk of Council Norris: It is T 78-2004.

Mayor Gillock: Since our last Council meeting, we have sworn in one new police officer, John Metzko and three new Auxiliary. The new Police Officer replaces one of several we're down due to retirement, illness and calls to active duty. We have one policeman currently on active duty and one that we suspect, he's been put on alert and will probably be called up shortly. I want to bring this to Council's attention as we need to replace several of these positions. These are not additions, but replacements for these vacant positions.

I do have some bitter sweet news to report. Two of the City's long time department heads have notified me of their intent to retire. Jerry Krueger, the Street Superintendent whose department we praise almost every month and Jim McVeigh, our Treasurer for over 30 years. They have decided it's time to take it easy. In fact, we received another letter dated May 12 from a resident that took the time to commend a job well done by two employees of the Service Department. Both these individuals will be sorely missed and hard to replace. We hate to see them go but, we're glad to see them to be able to enjoy their retirement.

Lastly, under old business, I would ask that this issue, again, be postponed one more meeting. I had a discussion with the engineer, Mr. Haywood, earlier this evening. He has asked to meet with my office later this week or as soon as possible to discuss this issue which I assured him we would be glad to do and I think we can make some progress there. That concludes my report. Thank you.

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 have two issues tonight. One is an apparent hit skip that damaged the traffic light control box at Lorain and Cook Roads. It's going to cost the City over 10,000 dollars to fix. If anybody has any knowledge of this, somebody we can find and make responsible for it, please call my office or call the police.

Second issue. I'm getting a lot of calls from concerned residents about West Nile Virus with the mosquito season starting. The main threat is not the ditches and lakes in the City. The main threat is garbage can lids, old tires, small standing puddles of water in peoples yards. The residents can help in clearing that up. I will be working with the County Health Department to ensure we have a good spraying program this year that includes both old and new neighborhoods. A lot of new development has standing water in them, just by the nature of new development. We'll be working to make sure we do the best we can to avoid the West Nile Virus in the coming months. That's all I have, thank you.

President Arndt: Thank you, Mr. Johnson. We now move to the engineer, Mr. Griffith. Would you share your report with us tonight.

Engineer

Engineer Griffith: The only item that I would like to discuss is that I would like to remind everyone that on Saturday, June 5 from 9:00 A.M. to 3:30 P.M. at Lorain County Community College, there is a household hazardous waste collection day. Items that are accepted are things like rechargeable batteries, bleach, paint, turpentine, used motor oil, rat poison, weed killers, flourescent light bulbs, things of that nature. By recycling them and having this hazardous waste collection, they stay out of the environment and reduce the amount of pollution.

Council Member Swindig: Mr. Griffith, is there anything on dehumidifies or refrigerators for waste pickup that you have heard of.

Engineer Griffith: No, I haven't. I'm looking at the list of items that they have that are not acceptable and I don't see it there but, I can't imagine, considering it's household hazardous waste that normally is not consider something of that nature.

President Arndt: Is there a phone number if somebody needed to make a contact?

Engineer Griffith: Yes, 1-800-449-5463.

President Arndt: Thank you. Any other comments. We now turn our attention to our Auditor. Mr. Costin, would you present your report tonight?

Auditor

Auditor Costin: Thank you, Mr. Chairman. My report has been presented. You should have all receive your written report for April 2004.

Auditor's Written Financial Report for April 2004

moved by Swindig, seconded by Butkowski to approve the Auditor's Written Financial Report for April 2004

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

Yes, 6 No, 0

President Arndt: Will the Clerk please read our other reports.

Other Reports

Clerk of Council Norris: Other reports before Council this evening include:
Water System Report for April 2004;
Fire Department Report for April 2004;
Police Department Activity Report for April 2004; and
Service Department Activity Report for April 26, 2004 through May 9, 2004.

Planning Commission Report to Council of regular meeting May 11, 2004:

APPLICANT: Jim Kilby, 35246 Chestnut Ridge Road
OWNER: Joseph Dietz, 36975 Julian Street, Avon, OH 44011
REQUEST: Approval to construct 120 foot by 300 foot paved area for a driveway and
yard storage of concrete materials, eight tenths of an acre.
LOCATION: 7927 Maddock Road in an I-2 District
Permanent Parcel No. 07-00-027-109-018
PC ACTION: Approved
moved by Olesen, seconded by Swindig to approve the Planning Commission report for
the applicant Jim Kilby

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

Yes, 6 No, 0

Clerk of Council Norris: Second item from Planning Commission applicants

APPLICANT: Pulte Homes of Ohio Corp., 30575 Bainbridge Road, Solon, Ohio 44139
OWNER: Sugar Chestnut LLC, 1050 Terminal Tower, 50 Public Square, Cleveland,
OH 44113
REQUEST: Site plan approval for Waterbury Falls by Del-Webb Phase 1 in Waterbury
PCD
LOCATION: Frontage along Bender Road in an R1 District
Permanent Parcel No. 07-00-048-000-025, Zoning of 07-00-037-000-021
PC ACTION: Approved with condition of receipt of a City Planner's Report
moved by Arndt, seconded by Young to suspend By-Laws to give the Land Manager of
Pulte Homes, Mr. Michael Milovanovic, an opportunity to speak tonight and not to
exceed five minutes in order to share ideas and concepts he has about the Pulte Homes
project

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

Yes, 6 No, 0

President Arndt: Mr. Milovanovic you have the floor for five minutes or less.

Mr. Milovanovic: Thank you ladies and gentlemen, Council Members and Mayor. My name is Michael Milovanovic, Del Web Homes. I'd like to share what an exciting time this is. This is our first active adult Del Webb Community, Pioneer Ridge, North Ridgeville, Ohio. Many positives come out of this. We've spent some time looking at North Ridgeville (inaudible) . . . We have highway systems so close by. We have airports close by and also coming will be the first community for Del Web in northeast Ohio. I would like to present, for two graphic purposes, we have Sugar Ridge Road to the north, overall Waterbury here, Bender Road over to the west, Chestnut Ridge to the south and the overall Waterbury PCD. The dark green is where we're proposing our first community, Pioneer Ridge by Del Web. One of the things I would like to point here is for somebody (inaudible). . . the main entrance is down here in the southeast corner quadrant. I'd like to show an illustration of the overall layout of Del Web. The yellow is the overall layout for Del Web and brown representing here our first phase of 138 homes. The existing thing about this is we were able to reduce the density by approximately 200 units within the Del Web project. I'd like to enlarge the scale of the first phase of the Del Web project. Some of the things I would like to point out, as you see in yellow here, the first phase, our model park will be down here toward the south. We have designated approximately over seven and half acres for post recreation facility for Del Web. We have open space to the east and to the west. Our main entry will be down there on Bender. We'll have a secondary entry to the north, just a little bit up farther north on Bender. We also, one of the things about Del Web is landscaping, rec centers and we're intending to make this very grand and it's very important to us. One of the stepping stones of our project is our landscaping, recreation centers. We'll have an activity's coordinator in our recreation center. Many activities will be associated within the community. One of the things we will also be working on as we submit, we will be working with the municipality in detail. Working with the City of North Ridgeville as we submit our engineering plans and our landscaping plans. We're very excited about being here in North Ridgeville and very excited working with the City of North Ridgeville and we'll meet all of our contingencies.

President Arndt: Thank you, Mr. Milovanovic.

Council Member Olesen: Mr. President, may I ask Mr. Milovanovic, is the entrance way also going to be landscape like the main entrance to the development.

Mr. Milovanovic: Yes, there will be mild landscaping.

Council Member Olesen: We did not have a Planner's Report at the time this went through Planning Commission and I think it's a very fine project and I'd like to know what the status of that Planner's Report is at this time. If anybody can tell me that?

Mayor Gillock: That was mailed to the Planner today.

President Arndt: Any other questions of Michael while he's here? Thank you. We appreciate you keeping a close time line on that. I'll entertain a motion.

moved by Young, seconded by Olesen to approve the Planning Commission action
regarding Pulte Homes

President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING MAY 17, 2004**

Page 7

by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: The third item from Planning Commission tonight,

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

OWNER: Same

REQUEST: Final approval for Windsor Point Subdivision No. 3

LOCATION: Stoney Ridge Road and the border of Avon in an R1 District
Permanent Parcel No.s 07-00-031-000-001, 002, 003, and
07-00-042-101-035

PC ACTION: Approved

moved by Olesen, seconded by Swindig to approve the Planning Commission action
regarding Oster Construction

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

Council Member Butkowski: I was reading over the report of the Engineer and he says that
there's not been a performance bond filed. Has it been filed yet?

Engineer Griffith: Yes, I think it's been taken care of.

Council Member Butkowski: For all three of these that we're approving tonight, we do have the
performance bond?

Engineer Griffith: It's my understanding, if I understood correctly, their prior bonds are going to
be rolled over.

Council Member Butkowski: Can we roll those over? Are the other things finished that
everything has been approved and we don't need the bond on their construction?

Engineer Griffith: All we need is the maintenance bond which is independent of the performance
bond.

Council Member Butkowski: They're separate?

Engineer Griffith: Yes.

Council Member Butkowski: The rest of the things that they have done are completed?

Engineer Griffith: Right.

Council Member Butkowski: So, now you have performance bonds on all of these?

Engineer Griffith: That's my understanding, yes.

Council Member Butkowski: That's very important for the City because we have had that
happen before and I don't understand why they were approved at the Planning Commission
meeting until they were sure of them because these are final. We've had other construction
where we've never got a bond. Thank you.

President Arndt: Is there any other discussion?

moved by Butkowski, seconded by Young to postpone approval of the Planning
Commission action regarding all three of the Oster cases until the bond has been
produced

President Arndt: Is there any discussion? Mr. Olesen?

Council Member Olesen: A question I would like to direct to Mr. Griffith. Mr. Griffith, you used the word, that I believe that this has been done. Does that mean that you are not totally sure that all of this has happened?

Engineer Griffith: That's correct because they would go through the Law Department.

Law Director Crites: Since my name came up, Mr. President, may I ask a question? There was some confusion here. This is a final approval so, what we're talking about and what I believe the only thing required in our code is now the maintenance bond because this is a completed contract. It's not?

Engineer Griffith: No. The performance bond is to assure that they will do the work.

President Arndt: Any other comments, questions, discussions? For clarification purposes, allow me to restate the motion. It's been moved by Mrs. Butkowski, second by Mr. Young to postpone all three of the Planning Commission actions regarding the Oster construction until the performance bond has been produced. Did I get that correct, Mrs. Butkowski?

Council Member Butkowski: Yes.

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

Mayor Gillock: Just a note, the performance bonds are to guarantee that they put in the roadways, the sanitary and the storm water sewer system. Once those are put in, you don't need the performance bond. So, that's what we're guaranteeing, if they put those infrastructures and improvements in, that ultimately it will be ours. So, if they've already put some of this stuff in, you don't need the bond. I have no problem checking it out and voting on it at the next meeting. I just wanted to clarify that.

President Arndt: Thank you. Mr. Olesen, did you have any comments?

Council Member Olesen: No, but I think I have to withdraw my original motion for approval. We have two motions on the table.

President Arndt: We take care of the most recent motion on the floor. Thank you. All those in favor of postponing the Planning Commission action of the three Oster construction projects, signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: The last item of business for Planning Commission,

APPLICANT: Island Capital LLC, 3140 Oakwood Lane, Westlake, OH 44145

OWNER: Rajnikant M. Patel, 1636 Balmoral Way, Westlake, OH 44145

REQUEST: Approval of a proposed Walgreens on Center Ridge Road at future
realignment of Lear Nagle Road

LOCATION: 33760 Center Ridge Road in a B-3 District

Permanent Parcel No. 07-00-008-117-029

PC ACTION: Approved

moved by Olesen, seconded by Young to approve the Planning Commission action
regarding island Capital

President Arndt: Is there any discussion? Will the Clerk please take the roll.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING**

MAY 17, 2004

Page 9

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

Clerk of Council Norris: Motion is approved five, zero with one abstention.

COUNCIL COMMITTEE REPORTS:

President Arndt: Are there any reports to be brought before Council tonight? Will the Clerk please read our correspondence.

CORRESPONDENCE:

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

1) Received an Entry on Rehearing before The Public Utilities Commission of Ohio:
In the Matter of the Application of Columbia Gas of Ohio, Inc. for Authority to Amend Filed Tariffs to Increase the Rates and Charges for Gas Service.
In the Matter of the Application of Columbia Gas of Ohio, Inc. to establish the Columbia Customer Choice Program.
In the Matter of the Regulation of the Purchased Gas Adjustment Clause Contained Within the Rate Schedules of Columbia Gas of Ohio, Inc. and Related Matters.
In the Matter of the Application of Columbia Gas of Ohio, Inc. to Revise Its Tariffs to Establish a New Gas Transfer Service.

2) Received a letter from North Olmsted Clerk of Council Barbara Seman, CMC on behalf of Council Member George Mashar submitting a copy of their Resolution No. 2004-74 urging the Governor and the Ohio General Assembly to reconsider and amend HB 12, the new state carrying weapons law.

Council Member Young: Mr. President, I ask that we refer that to the Safety Committee.

President Arndt: We can REFER THAT TO OUR SAFETY COMMITTEE.

NEW BUSINESS:

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

Clerk of Council Norris:

Request for new C1 and C2 liquor permits for 35600 Inc., DBA North Ridgeville Marathon, 35600 Center Ridge Road.

President Arndt: Since the Buildings and Lands Committee doesn't report out on this. The Chair wants to ask Council if it has any objections of a permit at this location and if not, a motion that we not request a hearing so that this can be expedited and sent to the State for final disposition. If the State doesn't get a response by June 1, it delays this application another 30 days.

Council Member Swindig: Mr. Chairman, I have one question. Is that not the old Clark?

President Arndt: Yes, it is the old Clark Gas Station.

Council Member Swindig: They have that permit right now so, I see no problem on the renewal. It comes back up in August, if they have a lot of problems, we can close them down.

President Arndt: May I entertain a motion?

moved by Olesen, seconded by Swindig that we not request a hearing so that this request for a C1, C2 liquor permits can be sent to the State for final disposition

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

Yes, 6 No, 0

Clerk of Council Norris:

T 78-2004 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO LEASE/PURCHASE NOT MORE THAN TEN NEW POLICE VEHICLES 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 \$207,000.00 AND DECLARING AN EMERGENCY.

moved by Swindig, seconded by Young to suspend By-Laws to give T 78 its first reading tonight

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

All those opposed by no. Any abstentions?

Yes, 6 No, 0

AUDIENCE PARTICIPATION (Lobby):

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

RECESS from 8:11 P.M. to 8:20 P.M.

President Arndt: We now move to recess. We will have recess and return 20 minutes after the hour.

ORDINANCES AND RESOLUTIONS:

President Arndt: The Chair calls our meeting back to session and requests that the Clerk read our ordinances and resolutions submittals.

• **Ordinances & Resolutions Submittals**

Clerk of Council Norris:

T 71-2004 AN ORDINANCE ESTABLISHING THE MONETARY LIMIT FOR
"BLANKET" FISCAL OFFICER CERTIFICATE.

Auditor Costin: Mr. Chairman, this piece of legislation, T 71, is pretty self explanatory and I would appreciate Council passing at your first convenient opportunity.

President Arndt: No need for emergency?

Auditor Costin: That would be preferred.

moved by Olesen, seconded by Swindig to give T 71 its first reading tonight

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

Yes, 6 No, 0

Clerk of Council Norris:

T 72-2004 AN ORDINANCE AMENDING NRCO SECTION 1046.21, USE OF WATER
FROM STREET HYDRANTS; PERMIT REQUIRED.

moved by Swindig, seconded by Butkowski to give T 72 its first reading tonight

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

Yes, 6 No, 0

Clerk of Council Norris:

T 73-2004 AN ORDINANCE AMENDING NRCO SECTION 858.02, PERMIT
REQUIRED; NUMBER OF PERMITS ISSUED PER LOCATION AND PER
YEAR LIMITED; POSTING.

moved by Swindig, seconded by Butkowski to give T 73 its first reading tonight

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

Yes, 6 No, 0

Clerk of Council Norris:

T 74-2004 A RESOLUTION AUTHORIZING THE USE OF PUBLIC FUNDS FOR
FIREWORKS IN THE APPROXIMATE AMOUNT OF \$3700.00.

moved by Swindig, seconded by Olesen to give T 74 its first reading tonight

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

Council Member Swindig: This is not, per say, City money. This is donated by a developer for our fireworks fund. It is not directly City money. It was donated by a developer.

President Arndt: Whitlach, I believe is the developer.

Council Member Young: Mr. President, I think it's a shining example of what all the developers should do is to donate to our fireworks fund. I think Whitlach is setting a fine example and it

would be nice to see additional developers follow suit and other businesses in our community so that we can have a fine display on the fourth of July. When the time comes, I'm going to ask that we suspend second and third so we can get these funds coordinated and they plan appropriately for a special display.

President Arndt: Thank you, Mr. Young and I do believe a special thanks goes to our Fire Chief and the Mayor for making this a possibility.

Council Member Olesen: Mr. President, just one final thing. I would like to use a special word on this, that this does not involve tax money. I would like to clarify that right away.

President Arndt: It does not involve tax money. It seems like there's a lot of thanks and congratulations to go around and we aren't using City money and this is a great example of the communication we have with our builders. We do have a motion on the floor by Mr. Swindig, a second by Mr. Olesen to suspend our By-Laws and give T 74 its first reading tonight. All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris:

T 75-2004 AN ORDINANCE AMENDING NRCO SECTION 1046.20, USE OF FIRE
HYDRANT WATER.

 moved by Butkowski, seconded by Buescher to give T 75 its first reading tonight

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

Yes, 6 No, 0

Clerk of Council Norris:

T 76-2004 A RESOLUTION AUTHORIZING THE CITY OF NORTH RIDGEVILLE TO
FILE AN APPLICATION TO THE STATE OF OHIO TO PARTICIPATE IN
THE SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM.

 moved by Mayor Gillock, seconded by Butkowski to give T 76 its first reading tonight

President Arndt: Is there any discussion? Mr. Olesen?

Council Member Olesen: I would like to ask the Mayor if there is an urgency for getting this through tonight.

Mayor Gillock: Yes. I was going to ask that we get this passed. This is just authority from Council to apply for the grant. The grant is part of the project for the Walgreens and the road straightening. When we do the TIFF project and use the tax revenues to pay for the road, it doesn't entirely cover the cost of the road as projected and we will apply for a grant to cover that difference. That is what this is for.

President Arndt: Any further discussion? All those in favor of giving T 76 its first reading tonight signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris:

T 77-2004 AN ORDINANCE SETTING THE PAY AND HEALTH BENEFITS FOR CITY EMPLOYEES WHO ARE MEMBERS OF THE ARMED FORCES RESERVES WHILE ON ACTIVE DUTY AND REPEALING ORDINANCE NO. 3590-2000.

moved by Swindig, seconded by Butkowski to give T 77 its first reading tonight

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

All those opposed by no. Any abstentions?

Yes, 6 No, 0

Auditor Costin: Mr. Chairman, just for the record, the agenda indicates that was introduced by the Auditor and I don't believe the Auditor has the ability, under our Charter, to introduce legislation. I think that should be corrected. I believe it was the Mayor that introduced T 77.

President Arndt: Mine says Mayor Gillock.

Auditor Costin: I was talking about the agenda.

Council Member Buescher: Move to amend to change it from "Auditor Costin" to "Mayor Gillock".

Council Member Olesen: Second.

Council Member Young: Point of order. I don't know if that's absolutely necessary. It's a harmless error on the part of our Clerk's office that it happens to read that way. The actual, official document reads Mayor Gillock.

Council Member Buescher: Mr. President, we do keep these for our records so, I think it's important to change that.

President Arndt: We'll take the vote.

moved by Buescher, seconded by Butkowski to correct the agenda on T 77 to state that it's introduced by Mayor Gillock and to strike Auditor Costin

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

Yes, 6 No, 0

President Arndt: That way we've clarified any chances of incongruity. Will the Clerk please begin our first readings for the evening.

• **First Readings**

Clerk of Council Norris:

T 71-2004 AN ORDINANCE ESTABLISHING THE MONETARY LIMIT FOR
4028-2004 "BLANKET" FISCAL OFFICER CERTIFICATE.

First Reading

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

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

Yes, 6 No, 0

moved by Swindig, seconded by Butkowski to adopt

moved by Swindig, seconded by Butkowski to add the emergency to T 71 due to helping out the Auditor's office with these blanket fiscal officer certificate

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

Yes, 6 No, 0

President Arndt: We have a motion on the floor to adopt T 71 with the emergency. Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 71 is adopted becoming permanent ordinance 4028-2004.

Permanent Ordinance No. 4028-2003

T 72-2004 AN ORDINANCE AMENDING NRCO SECTION 1046.21, USE OF WATER
4029-2004 FROM STREET HYDRANTS; PERMIT REQUIRED.

First Reading

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

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

Yes, 6 No, 0

moved by Swindig, seconded by Butkowski to adopt

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

Yes, 6 No, 0

Clerk of Council Norris: T 72 is adopted by a voice vote and becomes permanent ordinance 4029-2004.

Permanent Ordinance No. 4029-2004

T 73-2004 AN ORDINANCE AMENDING NRCO SECTION 858.02, PERMIT
4030-2004 REQUIRED; NUMBER OF PERMITS ISSUED PER LOCATION AND PER
 YEAR LIMITED; POSTING.

First Reading

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

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

Yes, 6 No, 0

moved by Olesen, seconded by Swindig to adopt T 73

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

All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 73 is adopted becoming permanent ordinance 4030-2004.
Permanent Ordinance No. 4030-2004

T 74-2004 A RESOLUTION AUTHORIZING THE USE OF PUBLIC FUNDS FOR
1009-2004 FIREWORKS IN THE APPROXIMATE AMOUNT OF \$3700.00.

First Reading

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

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

All those opposed by no. Any abstentions?

Yes, 6 No, 0

moved by Swindig, seconded by Olesen to adopt T 74

President Arndt: Is there any discussion?

Council Member Swindig: Mr. Chairman, move to add the emergency so we can have the fireworks in place for the firework display on July 3 and we would like to thank Whitlach Company for the donation. It is not taxpayers' money.

moved by Swindig, seconded by Young to add the emergency to T 74 for the purpose of providing funds for the North Ridgeville Department and to thank Whitlach and Company for their contributions and it was not City tax monies

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

Yes, 6 No, 0

President Arndt: We have a motion on the floor to adopt T 74 with the emergency. Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 74 is adopted becoming permanent resolution 1009-2004.
Permanent Resolution No. 1009-2004

T 75-2004 AN ORDINANCE AMENDING NRCO SECTION 1046.20, USE OF FIRE
4031-2004 HYDRANT WATER.

First Reading

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

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

All those opposed by no. Any abstentions?

Yes, 6 No, 0

moved by Swindig, seconded by Olesen to adopt

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

All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 75 is adopted becoming permanent ordinance 4031-2004.
Permanent Ordinance No. 4031-2004

T 76-2004 A RESOLUTION AUTHORIZING THE CITY OF NORTH RIDGEVILLE TO
1010-2004 FILE AN APPLICATION TO THE STATE OF OHIO TO PARTICIPATE IN
THE SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM.

First Reading

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

President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed
by no. Any abstentions? I abstain, so, I will ask the Clerk if he will please take a roll.

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

moved by Swindig, seconded by Young to adopt

moved by Swindig, seconded by Young to add the emergency to T 76 due to the
time restraints in getting this in

President Arndt: Is there any discussion? Will the Clerk please take roll.

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

Clerk of Council Norris: Emergency is approved by a vote of five, zero, one abstention;

President Arndt: We have a second motion on the floor to adopt T 76 with the emergency. Is
there any discussion? Will the Clerk please take roll.

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

Clerk of Council Norris: T 76 is adopted by a vote of five, zero, one abstention and becomes
permanent resolution 1010-2004.

Permanent Resolution No. 1010-2004

T 77-2004 AN ORDINANCE SETTING THE PAY AND HEALTH BENEFITS FOR CITY
4032-2004 EMPLOYEES WHO ARE MEMBERS OF THE ARMED FORCES RESERVES
WHILE ON ACTIVE DUTY AND REPEALING ORDINANCE NO. 3590-2000.

First Reading

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

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

Yes, 6 No, 0

moved by Swindig, seconded by Butkowski to adopt T 77

President Arndt: Is there any discussion?

moved by Young, seconded by Butkowski to add the emergency to T 77 for the

benefit of getting appropriate benefits to our City employees and their families
President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

President Arndt: We have another motion on the floor to adopt T 77 with the emergency. Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 77 is adopted with the emergency becoming permanent ordinance 4032-2004.

Permanent Ordinance No. 4032-2004

T 78-2004 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4033-2004 RIDGEVILLE, OHIO, TO LEASE/PURCHASE NOT MORE THAN TEN NEW
POLICE VEHICLES 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 \$207,000.00.

First Reading

moved by Swindig, seconded by Olesen to dispense with second and third readings on T 78

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

Yes, 6 No, 0

moved by Swindig, seconded by Young to adopt

moved by Swindig, seconded by Young to add the emergency for the purpose of saving money and getting 2005 cars at the 2004 purchase price and due to the last day of state purchasing is the nineteenth

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

Mayor Gillock: I think on this case I can speak on behalf of the Police Department. We certainly appreciate what Council is doing here. We know the budget is tight but, we've got some really, really old cars. There are cars out there with 180,000 miles on them. They're just not safe and we need to purchase these cars. I'm sure they appreciate what you're doing tonight.

Council Member Swindig: Mr. Chairman, while the Mayor is expanding to that, that is why, a while back I asked for the mileage on the Police reports and I've been watching it very closely and they're getting up there.

President Arndt: We've got several of those cars in the 140, 50, 60 thousands. Is there any other discussion? We have a motion on the floor to add the emergency, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

President Arndt: We also have a motion on the floor to adopt T 78 with the emergency. Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 78 is adopted with the emergency becoming permanent ordinance 4033-2004.

Permanent Ordinance No. 4033-2004

• **Second Readings**

Clerk of Council Norris:

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

Second Reading

T 51-2004 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 MILLS CREEK LANE
WATERLINE REPLACEMENT FROM CENTER RIDGE ROAD TO SHADY
MOSS LANE AND FERN TREE LANE TO MILLS ROAD, NOT TO EXCEED
\$380,000.00.

Second Reading

T 52-2004 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 ROOT ROAD WATERLINE
REPLACEMENT BETWEEN BAINBRIDGE ROAD AND THE OHIO
TURNPIKE, NOT TO EXCEED \$215,000.00.

Second Reading

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

Second Reading

Council Member Young: Mr. President, I would like the Law Director to take a look at the section two language on this to make sure that we're not violating any fourth amendment rights, the authority to enter upon private land or private facilities whenever necessary to investigate violations of version two. Just to make sure we're not trampling on any fourth amendment right which is privacy.

Law Director Crites: I understand. Actually, that issue did come to our office because it was raised by a resident. We did take a look. I'll look into it further.

President Arndt: Thank you, Mr. Young. We will refer that to the legal department. It still

permits the legislation to continue through. Mr. Griffith?

Engineer Griffith: For everyone's edification, this came about because E.P.A. is requiring that we have a little more muscle to enter onto people's property to take care of storm water management problems.

Council Member Young: I know the language has to be very specific. We can't go beyond the bounds of that language in order to make sure that we're within those parameters.

President Arndt: I would request, so that this legislation can continue to move through, that our Law Department take a look at this between now and the next meeting.

Clerk of Council Norris:

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

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

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

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

OLD BUSINESS:

President Arndt: Thank concludes our second readings for tonight. We have no third readings. Under old business, we had a motion by Mayor Gillock to postpone the Planning Commission action on the Joseph Marsico parcel.

Council Member Buescher: Second. Mr. President, that will be postponed until the next meeting

President Arndt: Postponed until the next meeting

 motion on the floor by Mayor Gillock, seconded by Buescher to postpone approval of the Planning Commission action on the Marsico property until our next meeting.

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

 Yes, 6 No, 0

President Arndt: Is there any other old business that needs to be brought before our Council?

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING MAY 17, 2004**

Page 20

Then I'll ask that our Clerk read our upcoming meeting announcements.

UPCOMING COMMITTEE MEETING ANNOUNCEMENTS:

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

Public Hearing Monday, June 7, 2004 at 7:25 P.M. re: T 59-2004, an ordinance accepting the final plat of Jordan Place at Waterbury PCD.

President Arndt: We wish Dick Jaenke, our Council person, a quick and speedy recovery.

ADJOURNMENT:

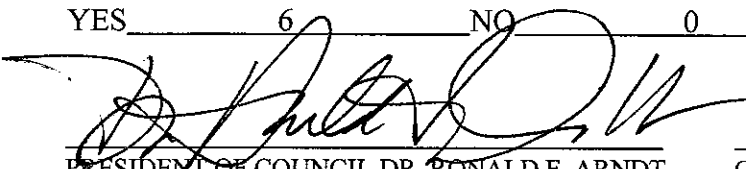
motion to adjourn by Swindig

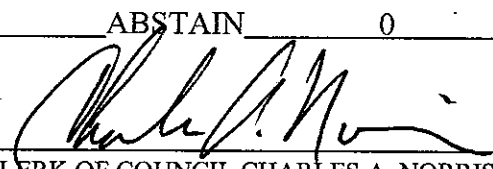
President Arndt: Meeting adjourned.

Meeting adjourned at 8:58 P.M.

MOTION Butkowski 2ND Olesen DATE June 7, 2004

YES 6 NO 0 ABSTAIN 0


PRESIDENT OF COUNCIL DR. RONALD F. ARNDT


CLERK OF COUNCIL CHARLES A. NORRIS