

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

MAY 3, 2004

CALL TO ORDER: 7:30 P.M.

President Ronald Arndt: The Chair calls to order the North Ridgeville City Council meeting dated Monday, May 3, 2004, regular meeting.

CALLING OF THE ROLL - ROLL CALL:

Present were Council Members Nancy Buescher, Allen Swindig, Richard Jaenke, Bob Olesen, Bernadine Butkowski, Andy Young and President of Council 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 Chuck Norris.

INVOCATION: lead by President Arndt.

PLEDGE OF ALLEGIANCE: by all.

President Arndt: The Chair adjourns our regular meeting to resume the Public Hearing regarding T 31-2004.

Regular Council meeting resumed at 7:35 P.M.

MINUTES - Corrections (if any) and Approval:

Clerk of Council Norris:

Council Minutes of regular meeting held April 5, 2004

moved by Butkowski to approve, seconded by Jaenke

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:

Council Minutes of regular meeting held April 19, 2004

moved by Jaenke to approve seconded by Butkowski

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

Council Member Olesen: On page 11, six lines down, opposed should be proposed.

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

Yes, 7 No, 0

Clerk of Council Norris: Please note:

Parks & Recreation Commission Minutes of regular meeting March 24, 2004;

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING**

MAY 3, 2004

Page 2

Visitors Bureau Minutes of regular meeting March 25, 2004;
Board of Zoning & Building Appeals Minutes of regular meeting April 22, 2004;
Tax Abatement Review Board Minutes of April 21, 2004.

MAYOR AND DIRECTORS REPORTS:

President Arndt: We now come to the part of our meeting where the Mayor and Directors have the opportunity to present their reports. We begin with the Mayor. Mr. Mayor, any report from you?

Mayor

Mayor Gillock: Yes, Mr. President. Thank you. First, I would like to inform you, Council and our residents, that construction on the west Center Ridge Road sanitary sewer improvement is scheduled to begin next week. Construction will begin at Race Road and continue west to the City limit. Two-way traffic on Center Ridge Road will be maintained during all phases of the project and we are hopeful that the work will be completed sometime this year before winter.

May 8, this Saturday, is the annual fishing derby at South Central put on by our Fire Department with the assistance of the North Ridgeville Fishing Club. Registration is from 8:00 A.M. until 8:30 A.M. Fishing will be from 8:30 A.M. until 11:30 A.M. The Fire Department is requesting a five dollar donation which will be given to the Aluminum Cans for Burned Children Fund. Bring your own pole and bait. There will be prizes, hot dog lunch, a casting contest and lots of fun for all the kids.

On May 14, there will be a Cancer Walk at the Middle School. Walkers will begin at 10:00 A.M. on Friday and will go to 10:00 A.M. on Saturday. Opening ceremonies will be held at 6:00 P.M. at the Middle School Track. A luminary ceremony will be held at 9:00 P.M. to honor those whose lives have been touched by Cancer.

May 15 will be Pride Day in the community. Groups will be sprucing up the community in various places. The Senior Center will be hosting a pancake breakfast. This is also waste tire collection day. Old tires can be dropped off at the Service Garage for disposal. As you can see, North Ridgeville is a very busy place.

On May 13, in accordance with our new cellular tower communications code, a three foot diameter, brightly colored balloon or temporary mast will be raised to an elevation of 199 feet from 9:00 A.M. until 1:00 P.M. The location is at 37000 Center Ridge Road. The test is meant to provide a visual perspective of the heights of a proposed cellular tower at that location. The rain date for inclement weather is the next day, May 15 at the same time.

You have before you this evening, T 57, the resolution for the Library levy. I would like to

inform you that the cost associated with that levy will be paid by the Lorain Public Library System, not the City of North Ridgeville. The deadline for getting this to the Board of Elections is May 20. You will need to add the emergency clause if adopted either tonight or at the May 17 Council meeting.

Lastly, I would like to make a motion at this time to remove T 61 from your agenda. This resolution was to be the first step in a proposed replacement levy with a decrease for the Police Department. T 61 refers to an additional tax which is the wrong form and certainly not the intent of this legislation. We want to get this right.

moved by Mayor Gillock, seconded by Butkowski to withdraw T 61 from Council's agenda

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

Yes, 7 No, 0

Mayor Gillock: Thank you, Mr. President. 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 Council Members for the vote of support at the last meeting. All of the members should have received, by now, a copy of the letter from O.D.O.T. stating that the I-480 ramp improvements will be done without closing to traffic. I'm sure your vote of support assisted in this important decision.

Our already tight Service Department budget was dealt a blow when our drott broke down. This is a vital piece of equipment that we use to re grade and clean our ditches and creek beds. The cost to repair will total about 30,000 dollars. Jerry Krueger and his department were able to find a rebuilt engine at a substantial savings of both time and money. It should be back in service soon.

Chestnut and Bainbridge Roads are now open to traffic for the remainder of the sewer project. Traffic will be maintained with flag men while the contractor completes site restoration and testing of the new sewer line. Some delays can be expected during the restoration of the roadway so, alternative routes are suggested for about a week.

Finally, I would like to recognize our employees in the Income tax Department. Friday, was the final day of a month long rush for that department and they worked hard to see that everyone was

taken care of in a timely manner. Thank you, Mr. President.

President Arndt: In support of Mr. Johnson, I really want to acknowledge him for keeping that ramp open because, having to use it over the past week, multiple times, I could only imagine the nightmare that would have ensured. I want to thank you for being on top of that. Yes, Mr. Olesen?

Council Member Olesen: I'd like to ask the Safety-Service Director to elaborate on a subject. Mr. Johnson, if you could inform the public about the tree cutting along the power lines? We've been getting into a lot of trouble on that with residents.

Safety-Service Director Johnson: That's a good point, Mr. Olesen. Ohio Edison, we have a representative here today that might be able to speak during lobby, is cutting along the high tension lines right now. They're cutting back farther than they have generally in the past, from what I can see. They're cutting larger limbs that weren't cut in past years. I suppose with the black out, it's justified. Any resident that has a problem with what's being cut, please give me a call, call Ohio Edison. We'll work with them and get problems straightened out.

President Arndt: We now have the opportunity to hear a report from our Engineer this evening, Mr. Griffith.

Engineer

Engineer Griffith: Thank you, Mr. President. As far as storm water management, the first two control measures covered by the Storm Water Management Program are Public Education and Public Involvement/Participation.

The City is in the process of obtaining a number of brochures and pamphlets which we are making available to the public. I have three of them here with me tonight. These two we obtained from the U.S.E.P.A., free of charge, and one that we obtained from the Lorain County Engineer. Those are the ones we're really looking for. I would like anyone who is around City Hall or over at the Library to please pickup a copy and read them at their leisure. There's some very interesting information in there.

The Mayor has already mentioned Pride Day and he also mentioned Waste Tire Collection Day. That's in conjunction with the entire County on Saturday the 15. Most people don't realize it, our Service Garage is a drop off point for these tires. This will be opened from 9:00 A.M. to 3:30 P.M. What I would really like to point out is old tires that are laying around collecting water are a very hazardous source of mosquito breeding. If you see anything laying around, maybe it's not on your property, see if you can't do something about it because the mosquitoes really breed in the water that lay in those tires.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING**

MAY 3, 2004

Page 5

There's also going to be, in conjunction with the County, a Household Hazardous Waste Collection Day. I will talk about that in more detail at the May 17 Council meeting.

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

Auditor

Auditor Costin: Mr. President, there is no formal written report scheduled for this evening's meeting. I do have some comments on some of the legislation but, if you notice there are various pieces of financial legislation scattered throughout the agenda so, rather than to try and go through and confuse everybody now, what I'd like to do is comment on them as they come up. No further comments, thank you.

President Arndt: Thank you, Mr. Costin. Will the Clerk please read our other reports.

Other Reports

Clerk of Council Norris: Other reports before Council this evening include:
Police Department Annual Report for 2003;
Water System Report for March 2004;
Building Department Report for March 2004; and
Service Department Activity Report for April 12, 2004 through April 25, 2004.

COUNCIL COMMITTEE REPORTS:

President Arndt: Are there any committee reports from Council tonight? Mr. Young?

Council Member Young: Last week, Friday, we had a Utilities Committee meeting that was sort of in conjunction with the town hall meeting for the residents of Dyke Avenue and their proposed tax assessment for a sewer to go up Dyke Avenue. We had incredible attendance and great participation from the Dyke Avenue residents both for, in favor of and against the tax assessment. Overall, it was refreshing to see the people come out and really join together and bond and then form a committee following that meeting in order to pursue and explore this issue further. Thank you, Mr. President.

President Arndt: Thank you, Mr. Young. Any other committee reports? I will then ask our Clerk if he will please read our correspondence.

CORRESPONDENCE:

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

- 1) Received a memo from Law Director Crites informing Council that there is no

requirement that a Building Code Ordinance receive three readings prior to passage, only after notice and Public Hearing.

2) Received a letter from Lorain Public Library System Director, Kenneth L. Cromer requesting Council to replace the existing operating levy for the Library and place such levy on the ballot for the August 3, 2004 special election.

NEW BUSINESS:

President Arndt: Is there any new business to be brought before Council tonight?

Council Member Butkowski: You'll notice in our reports, we had a report from the Parks and Recreation Commission that they approved expenditures for 8,500 dollars to color coat the four tennis courts and 2,200 dollars to purchase new ice machines. I would like to make a motion to verbally approve this.

moved by Butkowski, seconded by Olesen to approve the request for the 8,500 dollar expenditure to color coat the four tennis courts and 2,200 dollars to purchase a new ice machine for South Central Park

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

Yes, 7 No, 0

President Arndt: Thank you, Mrs. Butkowski. Is there any other new business to come before Council tonight?

AUDIENCE PARTICIPATION (Lobby):

President Arndt: We now come to the audience participation section of our meeting. Any members of our audience, tonight, 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 should there be a need to provide any follow up information. You are now welcome and invited to approach the podium at this time. However, please, as you approach, state your name and address, very clearly, and please limit your comments to three minutes. The lobby is now open.

1) Kenneth L. Cromer, Director of the Lorain Public Library System thanked Council for taking time to consider the issue of the Library operating levy. Stated that this is important as it is an operating levy that is a replacement and increase of the current levy passed in 1999 which expires on December 31. Explained that all funds raised by this levy are dedicated exclusively to operate the North Ridgeville Branch of Lorain Public Library System. Reiterated that the Library will absorb the cost of the special election.

Council Member Young: Mr. President, may I ask Mr. Cromer a question?

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING**

MAY 3, 2004

Page 7

President Arndt: Please, Mr. Cromer, apparently we have a question.

Council Member Young: What does this mean for somebody who owns a home valued at 150,000 dollars or a 100,000 dollar home, if you could give both brackets?

Mr. Cromer: The owner of a home valued at a 100,000 dollars will pay two dollars more per month. Just slightly under. A person whose home is valued at 150,000 dollars will pay a little less than three dollars per month, more than they're currently paying. Thirty-six dollars more per year.

President Arndt: Any other questions of Mr. Cromer before he takes his seat? Anyone else in the Lobby who needs to share some information, thoughts or concepts with your Council? We now move to our recess.

moved by Butkowski, seconded by Young 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.

ORDINANCES AND RESOLUTIONS:

President Arndt: We now move onto the beginning of our ordinances and resolutions for the evening. I ask our Clerk if he will begin reading them.

• **Ordinances & Resolution Submittals**

Clerk of Council Norris:

T 57-2004 ORDINANCE DECLARING IT NECESSARY TO LEVY A REPLACEMENT TAX IN EXCESS OF THE TEN MILL LIMITATION AND AUTHORIZING THE EXECUTION OF AN AGREEMENT RELATING TO THE NORTH RIDGEVILLE BRANCH OF THE LORAIN PUBLIC LIBRARY.

moved by Swindig, seconded by Olesen to suspend By-Laws to give T 57 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 58-2004 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 4000-2004 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2004 AND ENDING DECEMBER 31, 2004.

President Arndt: Mr. Costin?

Auditor Costin: This is the first of several pieces of financial legislation that I discussed.

Following will be some French Creek legislation that Council may want to pass tonight.

Unfortunately, to do so, we're going to need to pass this piece tonight which is amending the

appropriation ordinance related to the expenditures at French Creek. Now, the money is there and available, it's just that it wasn't appropriated during the appropriation meetings because, by oversight, it wasn't requested. There were certain projects that were discussed last year and in fact were appropriated last year. However, they weren't completed. They weren't even started so they require re-appropriation in the current year. Apparently that was an oversight. As I said, they were not appropriated. I would request that you consider passing this tonight with the emergency so we can put this in place before you would be able to consider certain of the following legislation.

moved by Buescher, seconded by Swindig to suspend By-Laws and give T 58 its first reading

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

Yes, 7 No, 0

T 64-2004 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

moved by Swindig, seconded by Olesen to suspend By-Laws and give T 64 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, 7 No, 0

T 65-2004 AN ORDINANCE AMENDING ORDINANCE 3863-2002 BY INCREASING
THE COST OF THE BIORICH® SLUDGE BAGGING PROJECT FROM
\$170,000.00 TO \$172,500.00.

moved by Swindig, seconded by Butkowski to suspend By-Laws and give T 65 its first reading tonight

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

Auditor Costin: It would be necessary, Mr. Chairman, to pass T 65 before or concurrent with passing T 64 because part of the problem with T 64 is, they exceeded the amount Council had previously legislated. We don't necessarily have to pass them out of the order they're in but, T 65 would have to be passed tonight if T 64 is going to be passed.

President Arndt: Is it requiring an emergency?

Auditor Costin: I don't believe it would need the emergency. It will just need to be passed.

President Arndt: Am I hearing you say that we can keep them in the same order, we need to make certain that T 65 is adopted in order for T 64 to be adopted.

Council Member Swindig: Mr. Chairman, isn't that T 58 that we passed first before we can approve any of the other ones, Chris?

Auditor Costin: We wouldn't need to pass T 58 for that one. We're only picking up 2,500 dollars additional. We need to pass that for a few of the larger ones that follow.

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, 7 No, 0

T 66-2004 AN ORDINANCE APPROVING THE EXPENDITURE OF FUNDS AND
PAYMENT OF OBLIGATIONS FOR THE SECURITY PROVISIONS AND
ROADWAY PROJECT AT THE FRENCH CREEK WASTEWATER
TREATMENT PLANT.

moved by Swindig, seconded by Olesen to suspend By-Laws to give T 66 its first reading

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

All those opposed by no. Any abstentions?

Yes, 7 No, 0

T 67-2004 AN ORDINANCE AMENDING ORDINANCE NO. 3917-2003 BY
INCREASING THE AMOUNT OF THE PURCHASE OF A CENTRIFUGE
FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT FROM
\$405,000.00 TO \$450,000.00.

moved by Swindig, seconded by Butkowski to suspend By-Laws to T 67 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, 7 No, 0

T 68-2004 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A
CONTRACT, FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW,
AND IN A MANNER PRESCRIBED BY LAW, FOR THE PURCHASE OF
POLYMER(S) TO BE USED BY THE FRENCH CREEK WASTEWATER
TREATMENT PLANT.

moved by Swindig, seconded by Butkowski to suspend By-Laws to give T 68 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, 7 No, 0

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

moved by Swindig, seconded by Olesen to suspend By-Laws to give T 69 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, 7 No, 0

• **First Readings**

Clerk of Council Norris:

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

First Reading

moved by Young, seconded by Butkowski to amend Y 2-2004 REVISED by
changing the word "do" to "so" in section six

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 50-2004 A RESOLUTION DECLARING IT NECESSARY TO RENEW AN EXISTING
TAX FOR THE PURPOSE OF GENERAL CONSTRUCTION,
RECONSTRUCTION, RESURFACING AND REPAIR OF STREETS, ROADS
AND BRIDGES IN THE CITY OF NORTH RIDGEVILLE, OHIO, PURSUANT
TO SECTIONS 5705.03 AND 5705.19 OF THE REVISED CODE.
First 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.
First 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.
First Reading

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

T 54-2004 A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF NORTH
1006-2004 RIDGEVILLE, OHIO, TO APPLY TO THE OHIO DEPARTMENT OF
 DEVELOPMENT FOR FUNDING UNDER THE COMMUNITY
 DEVELOPMENT BLOCK GRANT SMALL CITIES PROGRAM FOR FISCAL
 YEAR 2004.

First Reading

moved by Swindig, seconded by Olesen to dispense with second and third
readings on T 54

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

Yes, 7 No, 0

moved by Swindig, seconded by Jaenke to adopt T 54-2004

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

Yes, 7 No, 0

Clerk of Council Norris: T 54 is adopted and becomes permanent resolution 1006-2004.
Permanent Resolution No. 1006-2004

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

First Reading

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

First Reading

T 61-2004 has been WITHDRAWN.

T 62-2004 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF
4016-2004 \$244,500 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR
 THE PURPOSE OF ACQUIRING AND EQUIPPING MOTOR VEHICLES
 FOR USE BY THE CITY.

First Reading

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

President Arndt: Mr. Costin?

Auditor Costin: During appropriation meetings when we realized, due to economics of the City,
that we couldn't pay for capital projects from regular operating funds, it was determined that we
would borrow up to 450,000 dollars, I believe was the number, for certain specified capital items.
We went back to the department heads, through the administration, polished the numbers and

what we come up with is the issuance of notes for 300,000 dollars represented in these two ordinances, T 62 and T 63. I would request that you consider passing these tonight with the emergency so we can get the department heads the necessary equipment that they need and take advantage of the still optimum note rates. Thank you.

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, 7 No, 0

moved by Swindig, seconded by Butkowski to adopt

moved by Swindig, seconded by Olesen to amend T 62 by adding the emergency for the purpose of getting better rates of the bonds or notes

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, 7 No, 0

President Arndt: Is there any further discussion on the adoption 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 62 is adopted and becomes permanent ordinance 4016-2004.

Permanent Ordinance No. 4016-2004

T 63-2004 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF
4017-2004 \$55,500 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR
 THE PURPOSE OF ACQUIRING AND IMPROVING COMPUTER,
 PHOTOCOPYING AND OTHER OFFICE EQUIPMENT FOR USE BY THE
 CITY.

First Reading

moved by Swindig, seconded by Butkowski 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, 7 No, 0

moved by Swindig, seconded by Butkowski to adopt

moved by Swindig, seconded by Butkowski to amend by adding the emergency due to the low interest rates on the bonds or notes

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

Yes, 7 No, 0

President Arndt: Is there any discussion on the adoption 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 63 is adopted with the emergency becoming permanent ordinance

4017-2004.

Permanent Ordinance No. 4017-2004

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

First Reading

President Arndt: The Chair would like to refer this to the Legal Department.

T 57-2004 ORDINANCE DECLARING IT NECESSARY TO LEVY A REPLACEMENT
4018-2004 TAX IN EXCESS OF THE TEN MILL LIMITATION AND AUTHORIZING
THE EXECUTION OF AN AGREEMENT RELATING TO THE NORTH
RIDGEVILLE BRANCH OF THE LORAIN PUBLIC LIBRARY.

First Reading

moved by Swindig, seconded by Olesen to dispense with second and third
readings on T 57

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

Yes, 7 No, 0

moved by Swindig, seconded by Young to adopt

moved by Swindig, seconded by Young to add the emergency to T 57 for the
purpose of meeting the time deadlines of the Board of Elections

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

Council Member Young: The Library Committee had pointed out the fact that it's only going to
cost 36 dollars a year additional for this levy to go through. Thirty-six dollars, if you do the
math, it means a night out at the movies which is maybe 17 dollars for a couple and a night out
for dinner which is another 20 dollars. That's about 37 dollars right there. Sacrificing one night
of entertainment out in Sheffield Commons allows you to have 365 days of entertainment by
getting out books, by getting out movies from the Library, by getting out music. You have 365
days of entertainment by sacrificing one night of entertainment. I recommend that we definitely
push this through and actively, as a Council and as a City, try to push this levy through in
August.

Council Member Olesen: Mr. President, I think we should also point out that the situation was
not our Library's fault. This was a reduction in State funding for the Library and in good faith I
think that we agree with Andy, and should wholeheartedly back this issue. We need our Library.
Too many people in this City worked too hard and too long to get it.

President Arndt: Thank you. Any other comments? Yes, Mr. Young?

Council Member Young: Also, there's been some talk about the Library having to cut their
hours down to 15 hours a week if this doesn't pass. If we want our children to actually stay off
the streets and not get into trouble and we want our children to actually be somewhere learning
or having resources through the outside world through computers and any other different

methods, it's again, imperative that this pass.

President Arndt: Any further comments? There being no further discussion, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

President Arndt: Any further discussion on adoption with the emergency? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 57 is adopted with the emergency becoming permanent ordinance 4018-2004.

Permanent Ordinance No. 4018-2004

T 58-2004 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 4000-
4019-2004 2004 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD
COMMENCING JANUARY 1, 2004 AND ENDING DECEMBER 31, 2004.

First Reading In Full

moved by Swindig, seconded by Olesen to dispense with second and third readings tonight on T 58

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

Yes, 7 No, 0

moved by Swindig, seconded by Butkowski to adopt

moved by Swindig, seconded by Olesen to add the emergency for the health, welfare of the residents of North Ridgeville and in order for the City to carry on with operations for the residents

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

Yes, 7 No, 0

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

Yes, 7 No, 0

Clerk of Council Norris: T 58 is adopted with the emergency becoming permanent ordinance 4019-2004.

Permanent Ordinance No. 4019-2004

T 64-2004 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.
1007-2004

First Reading

moved by Swindig, seconded by Olesen to dispense with second and third readings tonight on T 64

Council Member Butkowski: Mr. Chairman, once, again we get another one of these resolutions

to approve expenditures of funds and it's from the French Creek Sewer Plant, again. There was no purchase order for this. The money was spent and now we're asked to pay for it. They repeatedly do this. Then we have to pass a resolution and we're locked into this. Normally, the procedure should be followed, a purchase order put out and then the money is spent. I thought they stopped it but, they are starting up again.

Mayor Gillock: We are aware of the problem. We have been taking steps to address it and we will continue to take steps to address it and we agree with you.

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

Yes, 7 No, 0

moved by Swindig, seconded by Olesen to adopt T 64

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

Yes, 7 No, 0

Clerk of Council Norris: T 64 is adopted and becomes permanent resolution 1007-2004.

Permanent Resolution No. 1007-2004

T 65-2004 AN ORDINANCE AMENDING ORDINANCE 3863-2002 BY INCREASING
4020-2004 THE COST OF THE BIORICH® SLUDGE BAGGING PROJECT FROM
\$170,000.00 TO \$172,500.00.

First Reading

moved by Swindig, seconded by Olesen to dispense with second and third readings tonight on T 65

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

Yes, 7 No, 0

moved by Swindig, seconded by Olesen to adopt 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

Clerk of Council Norris: T 65 is adopted becoming permanent ordinance 4020-2004.

Permanent Ordinance No. 4020-2004

T 66-2004 AN ORDINANCE APPROVING THE EXPENDITURE OF FUNDS AND
4021-2004 PAYMENT OF OBLIGATIONS FOR THE SECURITY PROVISIONS AND
ROADWAY PROJECT AT THE FRENCH CREEK WASTEWATER
TREATMENT PLANT.

First Reading

moved by Swindig, seconded by Olesen to dispense with second and third readings tonight on T 66

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

Yes, 7 No, 0

moved by Swindig, seconded by Butkowski to adopt T 66

moved by Swindig, seconded by Olesen to add the emergency

President Arndt: Mr. Costin, would you explain for the benefit of Council the purpose for us passing this with an emergency?

Auditor Costin: This was a project that's been discussed for over a year and it was inadvertently not requested to be appropriated which is why we put in the appropriation ordinance. I think it was the intention of the French Creek Supervisor to move quickly on this project for again, the health, safety and welfare of the residents. It's in addition to the expansion and renovation and represents additional expenditures to secure the plant for safety provisions. I think we've done everything except appropriate it. I do believe it may have to be, once it's legal, the bid will have to be re-awarded. We can't go any further with the contract work until the legislative body, which is Council, approves it.

President Arndt: The reason for the emergency is the benefit of the health, safety and welfare of the public and to provide the safety provisions at the French Creek Plant. Is there any further discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

President Arndt: Is there any discussion on the adoption of T 66 with the emergency? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 66 is adopted becoming permanent ordinance 4021-2004.

Permanent Ordinance No. 4021-2004

T 67-2004 AN ORDINANCE AMENDING ORDINANCE NO. 3917-2003 BY
4022-2004 INCREASING THE AMOUNT OF THE PURCHASE OF A CENTRIFUGE
FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT FROM
\$405,000.00 TO \$450,000.00.

First Reading

moved by Swindig, seconded by Olesen to dispense with second and third readings tonight on T 67

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

Yes, 7 No, 0

moved by Swindig, seconded by Olesen to adopt T 67

Council Member Swindig: Mr. Chairman, may I ask Mr. Costin, on T 67, do we need the emergency.

Mayor Gillock: It doesn't matter.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING**

MAY 3, 2004

Page 17

President Arndt: Is there any discussion on the adoption of T 66? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 67 is adopted becoming permanent ordinance 4022-2004.

Permanent Ordinance No. 4022-2004

T 68-2004 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4023-2004 RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A
CONTRACT, FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW,
AND IN A MANNER PRESCRIBED BY LAW, FOR THE PURCHASE OF
POLYMER(S) TO BE USED BY THE FRENCH CREEK WASTEWATER
TREATMENT PLANT.

First Reading

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

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

Yes, 7 No, 0

moved by Swindig, seconded by Olesen to adopt T 68

President Arndt: Is there any discussion on the adoption of T 68? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 68 is adopted becoming permanent ordinance 4023-2004.

Permanent Ordinance No. 4023-2004

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

First Reading

• **Second Readings**

President Arndt: We have no second readings. I will ask the Clerk to read our third readings

• **Third Readings**

T 31-2004 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED
4024-2004 ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO KNOWN AS
THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING
LAND: PROPERTY EAST OF 32991 LORAIN ROAD, PERMANENT
PARCEL NUMBERS 07-00-010-108-002 AND 07-00-003-102-074 (AS
SHOWN BY LEGAL DESCRIPTION BELOW); FROM B-4 COMMERCIAL
PARKWAY DISTRICT TO SDD SPECIAL DEVELOPMENT DISTRICT, AND

OWNED BY MOULD DEVELOPMENT, LLC.

Third Reading

moved by Olesen, seconded by Young to adopt T 31

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 31 is adopted becoming permanent ordinance 4024-2004.

Permanent Ordinance No. 4024-2004

T 42-2004 AN ORDINANCE ACCEPTING THE FINAL PLAT OF RIDGEFIELD
4025-2004 SUBDIVISION NO. 9.

Third Reading

moved by Young, seconded by Jaenke to adopt T 42

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 42 is adopted becoming permanent ordinance 4025-2004

Permanent Ordinance No. 4025-2004

T 45-2004 A RESOLUTION DECLARING IT NECESSARY TO RENEW AN EXISTING
WITHDRAWN TAX FOR THE PURPOSE OF GENERAL CONSTRUCTION,
RECONSTRUCTION, RESURFACING AND REPAIR OF STREETS, ROADS
AND BRIDGES IN THE CITY OF NORTH RIDGEVILLE, OHIO, PURSUANT
TO SECTIONS 5705.03 AND 5705.19 OF THE REVISED CODE.

Third Reading

moved by Olesen, seconded by Swindig to adopt

Mayor Gillock: Point of order. Mr. President, did we adopt T 50 which accomplishes the same thing. The intent was to withdraw T 45.

President Arndt: Thank you, let me double check that. Yes, we adopted T 50, am I correct? We adopted T 50 earlier and T 45 is a duplicate of that so, I would request that the motion be withdrawn.

Council Member Olesen: I will withdraw.

Council Member Swindig: I will withdraw.

President Arndt: Thank you. I would entertain a motion that we withdraw T 45 tonight.

moved by Jaenke, seconded by Butkowski to withdraw T 45

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

Yes, 7 No, 0

T 45-2004 WITHDRAWN

President Arndt: Does anyone have the disposition of T 50? Was that adopted?

Mayor Gillock: Mr. President, when I pulled mine out, according to my records it only received a first reading.

President Arndt: T 50 received a first reading.

 moved by Mayor Gillock, seconded by Olesen to reconsider T 50-2004

President Arndt: Is there any discussion?

Mayor Gillock: On the advice of Squire, Sanders and Dempsey, it was our intention to adopt T 50 tonight in replacement of T 45 and pull T 45 from the agenda. They're actually the same ordinance. One was substituted for the other by amendment. We need to only pass one of them. With the reconsideration of T 50, we can dispense with second and third and adopt it. We've already taken T 45 off the books.

President Arndt: No need for emergency either, am I correct?

Mayor Gillock: No.

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, 7 No, 0

T 50-2004 A RESOLUTION DECLARING IT NECESSARY TO RENEW AN EXISTING
1008-2004 TAX FOR THE PURPOSE OF GENERAL CONSTRUCTION,
 RECONSTRUCTION, RESURFACING AND REPAIR OF STREETS, ROADS
 AND BRIDGES IN THE CITY OF NORTH RIDGEVILLE, OHIO, PURSUANT
 TO SECTIONS 5705.03 AND 5705.19 OF THE REVISED CODE.

 moved by Olesen, seconded by Jaenke to dispense with second and third readings
 tonight on T 50

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 T 50

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

All those opposed by no. Any abstentions?

 Yes, 7 No, 0

Clerk of Council Norris: T 50 is adopted and becomes permanent resolution 1008-2004.

 Permanent Resolution No. 1008-2004

T 39-2004 AN ORDINANCE AMENDING NRCO CHAPTER 1444 BY INCREASING
4026-2004 VARIOUS FEES.

 Third Reading

 moved by Olesen to adopt, seconded by Swindig

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

All those opposed by no. Any abstentions?

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING**

MAY 3, 2004

Page 20

Yes, 7 No, 0

Clerk of Council Norris: T 39 is adopted becoming permanent ordinance 4026-2004.
Permanent Ordinance No. 4026-2004

OLD BUSINESS:

Clerk of Council Norris:

APPLICANT: Village Motor Sports LLC, 35999 Lorain Road
OWNER: Angelo Guzzo, Jr., 35999 Lorain Road
REQUEST: to construct a 3,840 square foot pole building requiring variances of 15
feet on rear yard, and 10 feet on side yard abutting R-1 district
LOCATION: 35999 Lorain Road in a B-3 district abutting R-1 district
Permanent Parcel No. 07-00-025-108-008
PC ACTION: Approved
moved by Young, seconded by Jaenke to approve the Planning Commission action on the
Village Motor Sports, LLC

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

Council Member Young: I talked with both the Engineer and Mr. Guzzo about the project and the Engineer eliminated any of my concerns that I originally had because, it's my understanding, if Mr. Guzzo wishes to do a massive paving or any additional buildings he will then have to go back to the Planning Commission and, more likely than not, they will need a detention or retention basin. Since the Engineer is comfortable with this and Mr. Guzzo is a good businessman in our town, I see no problem with approving it.

President Arndt: Question of Mr. Young. Did you not request that this be reviewed by the Board of Zoning?

Council Member Young: No, I just asked for it to be postponed. It's my understanding that it was already slated to be approved by the Board of Zoning Appeals but, when I went over the minutes of the Board of Zoning Appeals, I saw that it wasn't considered.

Council Member Butkowski: Mr. Chairman, my concern is the fact that he does have other property there and could combine the property and it would not need the variances. I'm still concerned about flooding and I would like to see him agree to that before it's approved.

President Arndt: Is there any other discussion? All those in favor signify by yes. All those opposed by no. Any abstentions? Will the Clerk please take roll.

Yes, 6 No, 1 (Butkowski)

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

APPLICANT: Joseph Marsico, 102 Canterbury Road, Elyria, OH 44035
OWNER: Same
REQUEST: Preliminary Subdivision Approval
LOCATION: Case Road
Permanent Parcel No. 07-00-043-101-025

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING**

MAY 3, 2004

Page 21

PC ACTION: Approved

 moved by Buescher, seconded by Butkowski to approve

President Arndt: Is there any discussion?

Council Member Olesen: Mr. President, I have a question. I think we left this opened to the Engineer to take a look at this to see if what they want to do is going to be acceptable in the Meadow Lakes sewage system, whether there's too many homes involved. Did we get an answer on that?

President Arndt: Mr. Engineer?

Engineer Griffith: As of this moment we do not have an answer. Mr. Haywood is still preparing his report. We were suppose to have held a meeting earlier or late last week but, I got a call from him saying, because of his work load he had not been able to prepare that report. We're suppose to still meet on the subject.

Council Member Olesen: I would like to suggest we postpone a decision on this until we get that report. We don't know whether that sewage system can take those homes that they're planning for that development.

Council Member Young: So moved.

Council Member Buescher: Mr. President, I will withdraw my motion.

Council Member Butkowski: Mr. Chairman, I have a letter in front of me from Haywood Engineering that was addressed to Mr. Larry Griffith on April 20 that seems to indicate that there's plenty of room in that sewer plant.

Engineer Griffith: What section of sewer are you talking about? If it's the letter I think it is, he's just referring to the sewer that's in the Meadow Lakes Subdivision. It's not referring to the westerly trunk line.

Council Member Butkowski: Are we having a concern that there won't be room in the trunk line for 48 houses?

Engineer Griffith: I do not want to rob from Peter to pay Paul. Now, if there's availability there, I don't have a problem with it. I want someone to prove to me that there's availability.

Council Member Butkowski: This letter is regarding a sewer line that he wanted to tap-in to at Meadow Lakes. It indicates that there is a sufficient amount of room for 48 houses. If we put the sewer down Case Road that would go into the trunk line. He's just asking to go into that eight inch sewer there at Meadow Lakes. All indications of what's in this letter, it seems like there's room.

Council Member Olesen: Mr. President, this is all well and good. I'm looking at this from the standpoint, we're not sure. I think we should postpone this until we are sure that the sewer is accommodating of what they're going to build there. We also are concerned about what will happen when the Case Road master sewer goes into that area. Are they going to tap into that? What guarantees will we have that they will get out of the Meadow Lakes sewer and go into the main sewer on Case Road. I'd like to see something in that respect too.

Council Member Buescher: Mr. President, those guarantees would be in writing and we've never had any problem with managing any of this type of thing before and I really don't

understand it because the gentleman is perfectly willing to tap into the Case Road sewer line when the time comes. He's willing to pay the assessments and if a City can't figure out, in this length of time, that a 36 inch sewer line can't handle another 49 homes, we're in big trouble. Mayor Gillock: Mr. President, as most of Council people have been informed, two years ago when this was brought up, the Engineer for the westerly sewers performed his own calculations which said at that point there would only be capacity for 37 homes. We need to verify the numbers with the Engineer that designed and install the westerly sewers in comparison with whatever figures that Mr. Haywood provides.

Council Member Olesen: Thereby, I would recommend, I make a motion to postpone a decision on this until we get the information we need.

Council Member Young: Point of order, Mr. President. Mrs. Buescher withdrew here motion. Mrs. Butkowski's second is still on there. We need Mrs. Butkowski to withdraw her second before we can do the motion.

Council Member Butkowski: I'll withdraw my motion.

Council Member Buescher: Mr. President, may I ask that postponement be for another two weeks.

President Arndt: As an understanding, from where I sat here last Council meeting, was that I specifically asked both our Engineer and Mr. Haywood if they would have those calculations. The greater question here, right now is, to get the calculations and to discover really what the capabilities and capacities are before we make any final decision. I thank you for withdrawing your motions.

moved by Olesen, second by Mr. Young to postpone the approval of the Planning Commission action on the Joseph Marsico property until our next Council 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, 7 No, 0

Clerk of Council Norris:

T 56-2004 AN ORDINANCE REPEALING AND REPLACING CHAPTER 1420, OHIO
4027-2004 BASIC BUILDING CODE WITH THE MOST RECENT VERSION OF THE
OHIO BUILDING CODE.

moved by Young, seconded by Jaenke to adopt

moved by Young, seconded by Jaenke to add the emergency clause for the reason that we have the most current and updated codifications for our City

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

Yes, 7 No, 0

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

Yes, 7 No, 0

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING**

MAY 3, 2004

Page 23

Clerk of Council Norris: T 56 is adopted becoming permanent ordinance 4027-2004
Permanent Ordinance No. 4027-2004

UPCOMING COMMITTEE MEETING ANNOUNCEMENTS:

Clerk of Council Norris: Next Regular Council Meeting Monday, May 17, 2004 at 7:30 P.M. in Council Chambers.

Public Hearing Monday, May 17, 2004 at 7:25 P.M. re: T 2-2004 REVISED, an ordinance amending Chapter 1286, Signs.

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.

Buildings & Lands Committee meeting Thursday, May 12, 2004 at 8:30 A.M. to discuss senior housing.

ADJOURNMENT:

motion to adjourn by Jaenke
President Arndt: Meeting adjourned.

Meeting adjourned at 8:59 P.M.

MOTION Butkowski 2ND Buescher DATE May 17, 2004

YES

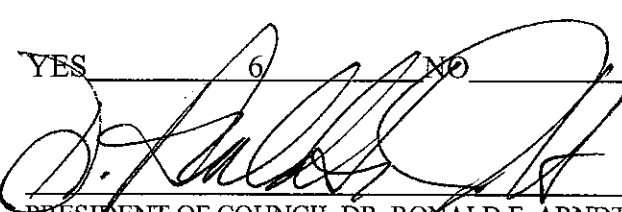
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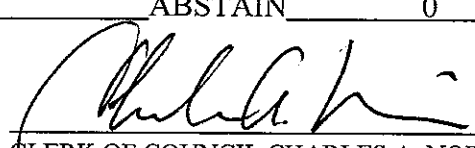
NO

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ABSTAIN

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PRESIDENT OF COUNCIL DR. RONALD F. ARNDT


CLERK OF COUNCIL CHARLES A. NORRIS