

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

MAY 2, 2005

CALL TO ORDER: 7:30 P.M.

President Ronald Arndt: The Chair calls to order, our North Ridgeville Municipal City Council regular meeting dated Monday, May 2, 2005.

INVOCATION: lead by President Ronald 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 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 Charles Norris.

President Arndt: For the benefit of our Council Members, Mr. Jaenke is out of town and will not be with us tonight.

President Arndt: Will Dr. Norris please read our minutes for any corrections and eventual approval?

MINUTES - Corrections (if any) and Approval:

Clerk of Council Norris: Council has before it this evening:

Public Hearing Minutes of April 18, 2005 re: public comment on cable tv service moved by Butkowski, seconded by Buescher to approve the public hearing minutes of April 18, 2005

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 April 18, 2005

moved by Butkowski, seconded by Swindig to approve the City Council minutes of our regular meeting held April 18, 2005

President Arndt: Is there any discussion?

Council Member Olesen: Mr. Chairman, on the second page, bottom paragraph regarding the fishing derby; I think it's listed as March 14th in our minutes and I think that should be May 14th.

President Arndt: We will make that appropriate change. Is there any other discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: Minutes are approved as amended.

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Clerk of Council Norris: Council will also note
Board of Drainage and Flood Control Minutes of regular meeting January 26, 2005 and
of special meeting March 3, 2005
Parks & Recreation Commission Minutes of regular meeting March 23, 2005

MAYOR AND DIRECTORS REPORTS:

President Arndt: We now come to the Mayor and Directors reports and the Chair invites the Mayor and our Directors the opportunity to provide Council with oral reports. Tonight, we would like to begin with our Mayor, Mr. Gillock.

• **Mayor**

Mayor Gillock: Thank you and good evening Mr. President and Councilmen.

First, you will find on your desk, an ordinance regarding the Multi Service Center, better known as the Senior Center. We have set rates for the rental of the facility, but due to the remodeling of the kitchen, the entire facility will not be available at all times. We would like to be able to cut the rental rate, essentially in half, during this remodeling period upon agreement of the Senior Center Director and the Advisory Board Chairperson. I would move to suspend By-Laws and introduce this ordinance, this evening under New Business.

moved by Mayor Gillock, seconded by Olesen to suspend our By-Laws to place this ordinance under New Business

President Arndt: Is there any discussion?

Council Member Buescher: Mr. President, this ordinance does not have a cut off date and I'm worried that it might get lost within our other ordinances. It seems to me that we should make an amendment to have this carried on through 2005, until the end of 2005 or some definite date, so that this can't be wide open.

Safety-Service Director Johnson: We discussed this with the Senior Center personnel. We had a power outage not long ago, while a wedding was being held and they had half the use of the facility. There are things that come up where it is appropriate to cut the rental rate and this was discussed as an issue to help address that.

Council Member Buescher: Mr. President, my idea of that was that it was simply for the renovation. If there are on going problems, then I wouldn't have a problem with that.

Council Member Olesen: Mr. President, the problem that was discussed during the last meeting I attended at the Senior Center, is that construction has a schedule date and a completion date, but you know how construction goes. It is pretty hard to pin it down to an exact date. It shouldn't take that long once it starts.

President Arndt: Is there any discussion? To reiterate, we have a motion on the floor by Mayor Gillock and a second by Mr. Olesen to suspend our By-Laws tonight to include an amendment to ordinance 1064-02 under New Business tonight. All those in favor, signify by yes. All those oppose by no. Any abstentions?

Yes, 6 No, 0

Mayor Gillock: Will the Clerk please assign a T number?

Council Clerk Norris: T 67

Mayor Gillock: Thank you, Mr. Norris. We would like to have it passed this evening, but we do

not need the emergency clause.

Mayor Gillock: As many of you may be aware, Comcast has entered into an agreement with Time Warner Cable to be acquired. If approved, at some point in the future, North Ridgeville will be served by Time Warner, rather than Comcast. This should not affect our negotiations for renewal and should not affect our service in the short term. However, at some point, I suspect many of us will be required to change our email address, again. So watch your mail for more information in regards to Cable.

Don't forget, May 14th is the fishing derby at South Central Park. Register early, as I believe fishing starts at 8:30 A.M. and there are a lot of prizes and refreshments for all the kids.

Lastly, tomorrow is election day. The most important day in a free and democratic society. Please exercise your right and duty to vote. The City has three ballot issues and to continue moving forward and maintaining the services we now provide and to keep up with the growth in the City and our changing finances, we need your support. As to those candidates that asked that I mention them in my Mayor's report, I would only say that I have the utmost respect for anyone that is willing to run for office and dedicate their time and energies to public service. Good luck to all.

President Arndt: Thank you, Mr. Mayor. We now have the opportunity tonight to hear from our Safety Service Director, Mr. Denny Johnson.

• **Safety-Service Director**

Safety-Service Director Johnson: Thank you, Mr. President. We experienced a water main break this morning on Meadow Moss Lane. A break like this, loosens sediment and material in the line, causing discoloration in the water. It is not necessary to boil the water but residents may want to run the water a little bit until it runs clear. This is the first water main break in about six months; indicating our efforts to replace problem water mains are helping, or it could mean we're lucky, one of the two.

Starting about June 1st of this year, we will start smoke testing our sanitary sewer system. This work is necessary to locate and eliminate a substantial amount of rain and ground water entering and overwhelming our sanitary sewer system. Eliminating this infiltration will save us money in unnecessary treatment of rain and ground water and avoid overflow conditions at the French Creek Sewage Treatment plant. It will also help us to alleviate pressure on the lines that is causing back ups into residential basements. We will be starting the smoke testing in the Main, Broad and Pleasant area where infiltration is pronounced and threatening to flood area homes with sewage.

Detailed information will be posted on the Internet, cable TV and in the utility bills explaining the procedure. We will also notify the area newspapers, but I'd like to spend a moment on it here explaining the process. The smoke we will be using is harmless to humans and pets. It is white

in color and will be blown into the system through manholes. If all is well in your home the smoke will rise from the vent pipe on your roof and no place else. If you have any drains that see little use, such as garage and basement floor drains, the traps may have dried out, allowing sewer gasses into your home. If this is the case, the smoke will enter your home during the testing just as the sewer gasses do. Both can be prevented by pouring water into these drains once or twice a year to replace water that has evaporated from the trap. If the smoke does enter your home through dried out traps or faulty plumbing, smoke detectors may falsely be triggered. City personnel will be monitoring the test and will be available to address any questions or problems that may arise with your home. If you experience any trouble during the test, please bring it to the attention of a city employee on site or call the Fire Department at the non-emergency telephone number at 327-5311.

There is no need to memorize all this. We will notify each resident involved a few days before we test and we will knock on doors just before the test begins. If any resident has questions concerning this testing please call my office at 353-0812.

I also want to note, that while I was looking up the non emergency number for the Fire Department, I noticed the front page of the phone book shows a non emergency number for the Fire Department that is incorrect. That is the emergency number. I don't have the number that was listed in the book right now, but the number you should use for non emergency contact at the Fire Department is 327-5311.

Thank you, that concludes my report.

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

• **Engineer**

Engineer Griffith: In recent research data released on May 21st of this year by the Scott's Miracle Grow Company, it was revealed that ninety-three percent of Americans would be willing to change their lawn and garden activities and behaviors, if it would make a difference in the environment. Seventy-three percent of the home owners agree that their individual behavior can make a difference in maintaining a healthy environment. However, only twenty-five percent of the respondents said they pro-actively took personal action to ensure a safer environment. This indicates that there is a need for more education.

Additional research by the National Gardening Association, very closely mirrored these findings. Their research results found that only three out of the twelve environmentally friendly lawn and landscape practices were used by more than fifty percent of all the U.S. home owners. We all need to do our part to help educate the public about taking some simple steps to improve the environment while at the same time maintain a healthy lawn and or beautiful garden.

As I had previously stated, a few of these key environmental practices are:

Use plant varieties native to our area of the country to ensure natural plant vigor. Many noxious and invasive plants have been introduced in recent years that are driving out the native plants that feed our animal wild life.

Apply fertilizer and water at recommended rates. Do not overuse either one.

Mulch your grass clippings to return nutrients to the soil.

Sweep fertilizer off pavement and other hard surfaces to keep them out of our storm water sources.

Choose the right product for the job and spot treat problem areas with ready made products that you don't have to mix yourself.

Thank you, Mr. President. That concludes my report this evening.

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

- **Auditor**

Auditor Costin: Thank you. There is no report scheduled this evening.

President Arndt: Dr. Norris, if you will read our other reports please.

- **Other Reports**

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

Police Department Activity Report for March 2005

Water System Operation Report for March 2005

COUNCIL COMMITTEE REPORTS:

Clerk of Council Norris: Council has two Committee reports before it this evening

1) **BUILDINGS & LANDS COMMITTEE REPORT #5562** Members of Council: We have considered the matter of the petition to rezone property at 38891 Center Ridge Road from B-2 Central Business District and I-2 Light Industrial District to B-3 Highway Commercial District and owned by Sparky Development, LTD and recommend that this request be approved and proper legislation be drawn authorizing the rezoning.

Signed: Chairperson Richard W. Jaenke, Robert W. Olesen and Andy Young.

moved by Olesen, seconded by Young to accept the Building and Lands Committee Report #5562

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: Report is approved and second report before Council is also:

2) **BUILDINGS & LANDS COMMITTEE REPORT #5563** Members of Council: We have considered the matter of property owner's request to rezone 48.8 acres of land on the north side of Center Ridge Road, west of Dyke Avenue to RS-1 and recommend that this request be denied

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at this time.

Signed: Chairperson Richard W. Jaenke, Robert W. Olesen and Andy Young.
moved by Olesen, seconded by Young to accept the Building and Lands Committee
Report #5563

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: Dr. Norris if you will read our correspondence please.

CORRESPONDENCE:

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

- 1) Received a letter from Congressman Sherrod Brown reporting on a meeting with President Bush and Governor Taft and listing concerns that need to be addressed.
- 2) Received a memo from Council Member Andy Young withdrawing his proposed amendment to Council By-Laws.
- 3) Received a letter from Northeast Ohio City Council Association, Inc. President, Donald Saunders inviting the City to join the association and to attend their next forum.
- 4) Received a letter from Comcast Vice President/General Manager announcing that Comcast Corporation and Time Warner Cable have entered into agreements to separately acquire assets of the bankrupt Adelphia cable systems and as part of these transactions, the cable system serving our community will ultimately be served by Time Warner.

President Arndt: We now move to New Business. We have two pieces of new business, if you will, Dr. Norris.

NEW BUSINESS:

Clerk of Council Norris: First item of New Business this evening:

Petition to rezone property at Permanent Parcel No. 07-00-016-112-045 and part of No. 07-00-016-112-027 from R-1 Residence District and B-3 Highway Commercial District to I-1 Light Industrial District and owned by Valore Properties and Rini Realty Co.

President Arndt: THE CHAIR REFERS THIS TO BUILDINGS AND LANDS AND
PLANNING COMMISSION.

Clerk of Council Norris: The second item of New Business before Council this evening is temporary T 67 as introduced by the Mayor.

T 67-2005 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
ORDINANCE SECTION 1064.02 MULTI SERVICE CENTER.

moved by Olesen, seconded by Swindig to suspend our By-Laws tonight to give T 67 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, 6 No, 0

AUDIENCE PARTICIPATION (Lobby):

President Arndt: We have now reached the audience participation section of our meeting. We do invite those of you in the audience who would like to address your City Council to feel free to do so. You will find a form at the back that enables us contact you personally should there be a need for us to follow-up. You are now welcome and invited to approach the podium, at this time, immediately to the right of Mrs. Buescher. However, when you approach the podium, please state your name and address clearly so that we can understand that and please limit your comments to three minutes. The lobby is now open.

moved by Young, seconded by Butkowski to suspend our By-laws to dispense with our recess 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

President Arndt: That enables us to move into Ordinances and Resolutions; if you will, Dr. Norris.

ORDINANCES AND RESOLUTIONS:

• **Ordinances & Resolution Submittals**

T 65-2005 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO A CONTRACT WITH VENDOME ASSOCIATES CORP. FOR AN EXCHANGE OF REAL PROPERTY.

moved by Olesen, seconded by Swindig to suspend By-Laws to give T 65 its' first reading

President Arndt: Is there any discussion?

Mayor Gillock: Just for Council's edification, we have been in negotiations with Vendome for quite some time. They own the apartments in the general area of Forest Park. What we are looking at, is they own a house, which is the last remaining obstacle to the City owning all the property between Mildred and Jaycox. We would own all the property then, that some day when we get the money, we would be able to put a road through there and connect Jaycox all the way across to 83. We are looking at trading some timber that we have down there that we don't use and he wants to use if for a club house or some other ancillary use to the apartments. So, if we could make this swap, I think we could both benefit from it.

President Arndt: Thank you, Mr. Mayor. Any other discussion or questions of the Mayor? Again, we have a motion on the floor by Mr. Olesen, seconded by Mr. Swindig to suspend our

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By-Laws to give T 65 its' first reading. All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: Motion is approved. Next we have,

T 66-2005 AN ORDINANCE AUTHORIZING THE APPOINTMENT OF A PHYSICIAN
TO REVIEW THE MEDICAL POLICIES OF THE NORTH RIDGEVILLE
POLICE DEPARTMENT DETENTION FACILITY PURSUANT TO THE
REQUIREMENT OF THE OHIO BUREAU OF ADULT DETENTION.

moved by Swindig, seconded by Buescher to suspend By-Laws to give T 66 its' first
reading tonight

President Arndt: Is there any discussion?

Council Member Buescher: Mr. President, it is my understanding that there will be no charge for
the use of the physician in this situation.

Law Director Crites: Your Honor, do you know about this deal or do you want me to respond?

Mayor Gillock: I talked to the Chief about it some time ago, and in our last review, he had a
recommendation that a local physician review our policies. Our policy has been, that if they
need a doctor, to take them to a doctor. They are not treating prisoners in the jail or anything.
This is to engage, as it says, a physician to review and make recommendations relative to our
procedural manual and he shall do that without monetary compensation. It is on a voluntary
basis and there should not be any money involved.

Council Member Buescher: Thank you.

President Arndt: And to help support your question, I would like to ask our Law Director to give
us a little more insight.

Law Director Crites: Without having a jail advisory physician who really doesn't treat anybody,
he just takes a look at our policies, we lose our certification from the State and without the State
certification, we can't house prisoners and two, we lose our insurance coverage. So, it is real
important that we do it and he does it for free.

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

Yes, 6 No, 0

President Arndt: Dr. Norris, if you will begin our first readings, please.

• **First Readings**

Clerk of Council Norris: First readings before Council this evening include:

T 30-2005 AN ORDINANCE AMENDING NRCO 1462.04, CELLULAR
REVISED COMMUNICATIONS SYSTEMS, LOCATION/SITING OF
FACILITIES.

First Reading

President Arndt: THE CHAIR REFERS THIS TO THE UTILITIES COMMITTEE.

T 62-3005 AN ORDINANCE APPROVING THE FINAL PLAT OF PIONEER RIDGE,
SUBDIVISION 3 IN WATERBURY PCD FOR RECORDING PURPOSES
ONLY.

First Reading

T 63-2005 AN ORDINANCE APPROVING THE FINAL PLAT OF PIONEER RIDGE,
SUBDIVISION 4 IN WATERBURY PCD FOR RECORDING PURPOSES
ONLY.

First Reading

T 64-2005 AN ORDINANCE APPROVING THE FINAL PLAT OF SUBDIVISION 10 IN
PHASE 4 OF MEADOW LAKES PCD FOR RECORDING PURPOSES ONLY.

First Reading

T 65-2005 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND
ENTER INTO A CONTRACT WITH VENDOME ASSOCIATES CORP. FOR
AN EXCHANGE OF REAL PROPERTY.

First Reading

T 66-2005 AN ORDINANCE AUTHORIZING THE APPOINTMENT OF A PHYSICIAN
4139-2005 TO REVIEW THE MEDICAL POLICIES OF THE NORTH RIDGEVILLE
POLICE DEPARTMENT DETENTION FACILITY PURSUANT TO THE
REQUIREMENT OF THE OHIO BUREAU OF ADULT DETENTION.

First Reading

moved by Mayor Gillock, seconded by Buescher to dispense with the second and
third readings tonight for 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, 6 No, 0

moved by Olesen, seconded by Swindig to adopt tonight 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, 6 No, 0

Clerk of Council Norris: T 66 is adopted and becomes permanent ordinance 4139-2005.

Permanent Ordinance No. 4139-2005

T 67-2005 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
4140-2005 ORDINANCE SECTION 1064.02 MULTI SERVICE CENTER.

First Reading

moved by Swindig, seconded by Buescher to dispense with our 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?

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Yes, 6 No, 0

moved by Arndt, seconded by Young to adopt tonight 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, 6 No, 0

Clerk of Council Norris: T 67 is adopted and becomes permanent ordinance 4140-2005.

Permanent Ordinance No. 4140-2005

• **Second Readings**

President Arndt: Dr. Norris will you read our Second readings.

Clerk of Council Norris: Second readings this evening include:

T 36-2005 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
ORDINANCE CHAPTER 1228, IMPROVEMENTS, BY AMENDING
SECTION 1228.01(F) AND APPENDIX II.
Second Reading

President Arndt: That concludes our seconding readings. We now move to our third readings, Dr. Norris.

• **Third Readings**

Clerk of Council Norris: Third reading this evening include:

T 52-2005 AN ORDINANCE APPROVING THE FINAL PLAT OF SANDY RIDGE
4141-2005 SUBDIVISION FOR RECORDING PURPOSES ONLY.
Third Reading

moved by Olesen, seconded by Young to adopt tonight T 52

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

Yes, 6 No, 0

Clerk of Council Norris: T 52 is adopted by voice vote and becomes permanent ordinance 4141-2005.

Permanent Ordinance No. 4141-2005

T 53-2005 AN ORDINANCE ACCEPTING THE FINAL PLAT OF WINDSOR POINT
4142-2005 SUBDIVISION NO. 3.
Third Reading

moved by Olesen, seconded by Young to adopt tonight T 53

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 53 is adopted and becomes permanent ordinance 4142-2005.

Permanent Ordinance No. 4142-2005

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President Arndt: We now come to Old Business. If you will, Dr. Norris, read T 26.

OLD BUSINESS:

Clerk of Council Norris: In Old Business this evening we have

T 26-2005 AN ORDINANCE AMENDING ORDINANCE 3979-2004, REGULATING
4143-2005 ADULT CABARETS.

 moved by Butkowski, seconded by Olesen to adopt tonight T 26

President Arndt: Is there any discussion? Mr. Mayor, was there anything you would like to contribute?

Mayor Gillock: I would just like to mention that when we brought this up a year ago. we had a companion ordinance that set the location, which we did not pass. So we had set regulations governing the hours of operation and so forth. We don't have a choice. We can't just ban them. This is the part that was in the other ordinance that was left out that sets minimum distances from Churches, Temples, Synagogues, House of Worship and other items such as these, that I felt was left out of the ordinance that was adopted. We would like to get this ordinance passed to help further regulate those. Thank you.

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

 Yes, 6 No, 0

Clerk of Council Norris: T 26 is adopted and becomes permanent ordinance 4143-2005.
 Permanent Ordinance No. 4143-2005

President Arndt: With incredible dispatch, we find ourselves at the end of our meeting to review our upcoming meeting announcements.

UPCOMING MEETING ANNOUNCEMENTS:

Clerk of Council Norris:

Public Hearing Monday, May 16, 2004 at 7:20 P.M. re: T 36-2005.

Next Regular Council Meeting Monday, May 16, 2005 at 7:30 P.M. in Council Chambers

Public Hearing Monday, June 6, 2005 at 7:20 P.M. re: T 30-2005 REVISED

Public Hearings Monday, June 20, 2005 re: T 62-2005, T 63-2005 and T 64-2005

President Arndt: Before we finish our meeting, again, a reminder to support the Mayor's original comment. Tomorrow is election day and we really encourage you regardless of which side of the isle you sit on. It is most important to vote, because we have some important issues facing us. Having said that, Mr. Swindig?

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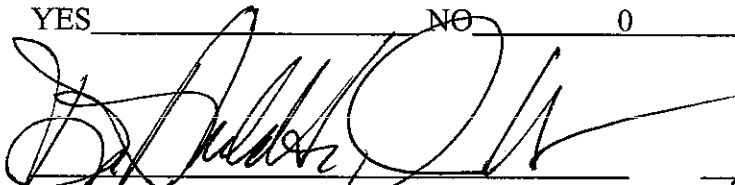
ADJOURN:

moved by Swindig to adjourn
President Ronald Arndt: Meeting adjourned.

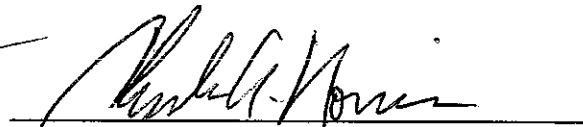
Meeting adjourned at 8:08 P.M.

MOTION Buescher 2ND Butkowski DATE May 16, 2005

YES NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL DR. RONALD F. ARNDT



CLERK OF COUNCIL CHARLES A. NORRIS