

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING APRIL 21, 2003**

CALL TO ORDER: 8:00 P.M.

President of Council David Gillock: I would like to call to order, this meeting of the North Ridgeville City Council. Would you please stand for the Invocation and Pledge of Allegiance.

INVOCATION: lead by Council Member Josanne Pagel.

PLEDGE OF ALLEGIANCE: by all.

motion to appoint Paula Cope Acting Clerk of Council until the return of the regular Clerk of Council by Johnson, 2nd by Butkowski
Yes, 6 No, 0

CALLING OF THE ROLL - ROLL CALL:

Present were Council Members Nancy Buescher, Josanne Pagel, Bob Olesen, Bernadine Butkowski, Denny Johnson and President of Council David Gillock. Absent was Council Member Allen Swindig.
Also, present were Mayor Deanna Hill, Safety-Service Director Jim Johnson, Law Director Eric Zagrans, Engineer Larry Griffith, Auditor Chris Costin and Acting Clerk of Council Paula Cope.

MINUTES - Corrections and Approval:

President Gillock:

Regular Council Minutes of April 7, 2003

motion to approve by Butkowski, 2nd by Johnson

President Gillock: Are there any corrections or additions? Mrs. Butkowski?

Council Member Buescher: Mr. President, on page 12, five lines from the last paragraph, from the bottom, I believe there should be a period after the word "opinion" and then capitalize "that". Also, on the third line from the bottom, the word "interrupt" should read "interpret".

Yes, 6 No, 0

Acting Clerk of Council Cope: Minutes have been approved, as corrected, by a vote of six to zero.

President Gillock: Please note:

Board of Zoning and Building Appeals Minutes of regular meeting March 27, 2003;

Civil Service Commission Minutes of regular meeting April 1, 2003;

Planning Commission Minutes of special meeting March 25, 2003; and

Parks and Recreation Commission Minutes of regular meeting March 26, 2003.

COMMITTEE REPORTS:

President Gillock: We do not have any committee reports this evening. We do not have any written reports from the Administration. Auditor's report.

QUESTIONS FOR THE FOLLOWING WRITTEN REPORTS:

AUDITOR'S REPORT:

Auditor's Written Financial Report for March 2003

motion by Butkowski, 2nd by Johnson to approve

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 6 No, 0

Acting Clerk of Council Cope: Auditor's report has been approved by a vote of six to zero.

President Gillock: Mr. Costin, do you have anything you wish to add.

Auditor Costin: Yes, Mr. Chairman. I would like to remind Council that T 33-2003 with regards to the sale of bond anticipation notes must be passed tonight with the emergency. No further comments.

OTHER REPORTS:

President Gillock: Please note:

Fire Department Report for March 2003;

Water System Monthly Operation Report for March 2003;

Police Department Activity Report for March 2003;

Service Department Activity Report for March 24, 2003 through April 13, 2003; and

Police Department Support Car Report for March 2003.

Planning Commission Liaison Report of Meeting of April 8, 2003

Acting Clerk of Council Cope:

REQUEST: T 16-2003, an ordinance revising Codified Ordinance Chapter 1462, Cellular Communications Systems, as referred by Council for Planning recommendation

PC ACTION: Approved and recommended to Council

motion to approve by Butkowski, 2nd by Buescher

President Gillock: Is there any discussion? If not, please call the roll.

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

Acting Clerk of Council Cope: Planning Commission's recommendation has been approved by a vote of five, zero, one.

APPLICANT: Oster Construction, 6150 Park Square Drive, Lorain, 44053

OWNER: Oster Construction, 6150 Park Square Drive, Lorain, 44053

REQUEST: Final approval of Windsor Point Subdivision No. 1

LOCATION: Stoney Ridge Road, Permanent Parcels No. 07-00-031-000-001
07-00-042-000-001 07-00-031-000-002 07-00-042-000-002

07-00-031-000-003 07-00-042-000-003

PC ACTION: Approved contingent upon satisfying the City Engineer's recommendations
motion to approve by Olesen, 2nd by Johnson

President Gillock: Is there any discussion? Please call the roll.

Yes, 6 No, 0

Acting Clerk of Council Cope: Planning Commission's recommendation has been approved by
a vote of six to zero.

APPLICANT: Alan F. Scott, Inc., 4255 Vilamoura Drive, Avon, 44011

OWNER: Alan F. Scott, Inc., 4255 Vilamoura Drive, Avon, 44011

REQUEST: Add gas pump island and canopy

LOCATION: 32500 Lorain Road, Permanent Parcel No. 07-00-004-109-025

PC ACTION: Denied

President Gillock: Mr. Olesen, you have the floor

Council Member Olesen: I would move that we deny this request by Planning Commission and
approve this project.

President Gillock: We need a motion to act on this first. Do we have a motion to approve this?
motion to approve by Butkowski

President Gillock: We do not have a second. Is there a motion to override the Planning
Commission's actions?

motion by Olesen to override Planning Commission's action, 2nd by Johnson

President Gillock: Is there any discussion in regards to overriding Planning Commission
actions? The applicant has applied for two gas pumps which I believe is a permitted use at this
location. Planning denied it. I'm not sure exactly why.

Council Member Johnson: Mr. President, Mr. Olesen had a presentation he was going to give. I
think this is the time to do it.

Council Member Olesen: I think there was just a mistake made, Mr. President. The approval was
tied into a variance on the canopy. The actual pumps are legal in that zoning. He could have
built the pumps without even coming to Planning Commission. I think this request tonight, if we
approve it, he still has to go to the Zoning Board to get approval for the canopy.

President Gillock: For the variance for the canopy.

Council Member Olesen: For the variance for the canopy.

President Gillock: Correct. Anyone else? Mrs. Butkowski?

Council Member Butkowski: I have a concern about these gas pumps being so close to the road
with all the traffic that's there, turning onto Lear Nagle and there's a lot of other gas stations in
the area and this is supposed to be mainly a car wash. I have a lot of concern about sticking two
more gas pumps up in that area with that other gas station that's moving in. My main concern is
the gas pumps being so close to the street.

President Gillock: We did have a gas station there before. We did have two pumps next to that.
We basically had two gas stations there before that have been removed. To me, it's still a
permitted use. As far as being so close to the road, I think if they are, they'd have to get a
variance, wouldn't they?

Council Member Butkowski: I don't know how close to the road they can be but, the building that they're building seems to be closer to the road then the previous gas station that was there and then, with the gas pumps being in front of that and I'm not sure where they're going to put them but, it just looks like it's going to be closer to the road then they were before and that's my concern with all that traffic there, I don't want anybody hitting a gas pump.

Council Member Olesen: Mr. President, I believe that building was set back farther than they anticipated in the beginning and perhaps this question, you can't go to the audience to have this answered, I believe it was set back farther, how many feet, I'm not exactly sure so these pumps can be accommodated and they dropped the idea and then when Sheetz came back in, decided to do the pumps because of the competition. That's where we are with this endeavor right now.

Safety-Service Director Johnson: Mr. President, the gas pumps themselves are over 50 foot from the road. The canopy is 4 feet from the road which means that they'd have to have a seven foot variance to have the set back. The gas pumps are even further back then that, in the center of the canopy. Originally, the Gulf station was there, I would imagine the gas pumps were 20 foot from the road so, it's a lot further than what they were in the last time I was reading the plans.

President Gillock: Anyone else? Please call the roll on overriding the actions of the Planning Commission.

Yes, 6 No, 0

Acting Clerk of Council Cope: Planning Commission recommendation has been overridden by a vote of six to zero.

APPLICANT: Gerald G. Weber, Weber Architecture, 13711 Madison, Lakewood, 44114

OWNER: Fifth Third Bank, 1404 East Ninth Street, Cleveland, 44114

REQUEST: Construct a new bank building and raze existing bank building

LOCATION: 32800 Center Ridge Road, Permanent Parcel No. 07-00-007-130-093

PC ACTION: Approved contingent upon satisfying the City Engineer's requirements and recommended to Council

 motion to approve by Olesen, 2nd by Butkowski

President Gillock: Is there any discussion? Mrs. Buescher?

Council Member Buescher: Mr. President, I believe that the bank has stated that they are planning to put in a western reserve style building to replace the other building which will be very nice.

President Gillock: Yes. Anything else? Please call the roll.

Yes, 6 No, 0

Acting Clerk of Council Cope: Planning Commission's recommendation has been approved by a vote of six to zero.

APPLICANT: Carol L. Kitzmiller, 611 White Tail Ridge, Fairlawn, Ohio, 44333

OWNER: Carol L. Kitzmiller, 611 White Tail Ridge, Fairlawn, Ohio, 44333

REQUEST: Construction of storage condominiums

LOCATION: 36498 Sugar Ridge Road, Permanent Parcel No. 07-00-026-101-018
 and 07-00-026-101-031

PC ACTION: Approved contingent upon meeting City Engineer's requirements and situating buildings to meet the 75 foot side yard set back from R-1 as required and submitting copy of condo association by-laws to Law Department and Planning motion to approve by Olesen, 2nd by Johnson

President Gillock: Is there any discussion?

Council Member Olesen: Yes, Mr. President. I was very impressed by the drawings on this type of condo and I think they'll make a nice addition to the area.

Council Member Johnson: I'm a little nervous about the type of ownership. I think this is new to the community, if I'm not mistaken. I'd like the Buildings and Lands Committee to look at, possibly, adding these to our zoning code. Addressing the issue of condominium ownership of storage.

President Gillock: I request that you take this up in Buildings and Lands, Mr. Olesen.

(REFERRED TO BUILDINGS AND LANDS COMMITTEE.)

Anything else? I might point out, as far as the Planning Commission comments, the statement contingent upon, and this goes for the other ones too, contingent upon meeting the City Engineer's requirements is a given. That's on the application when they come to Planning that they do have to comply with the engineer requirements. Secondly, as far as meeting the 75 side yard set back, that's also a requirement of the code. They really don't have a choice. They have to obey the laws. As far as the rest of it, I concur. Any other comments in regards to the application? If not, please call the roll

Yes, 6 No, 0

Acting Clerk of Council Cope: Planning Commission's recommendation has been approved by a vote of six to zero.

APPLICANT: Stone River Condo Properties, LLC, P. O. Box 39668

OWNER: Stone River Condo Properties, LLC, P. O. Box 39668

REQUEST: Build multi-family condominium units with an option to construct an 8 space visitor parking area to the north of the duplex.

LOCATION: Forest Park Drive (northwest)
Permanent Parcel No. 07-00-020-138-039

PC ACTION: Approved contingent upon meeting Assistant Law Director Toni Morgan's requirements as noted in her memo dated April 4, 2003
motion to approve by Olesen, 2nd by Gillock

President Gillock: Is there any discussion? Mr. Johnson?

Council Member Johnson: Mr. President, I'm concerned with parking on this project. There's no, in front of the garage parking, because it's too close to the street. The cars will be overlapping the sidewalk and the visitor parking is listed as an option. If the developer would like to exercise that option, he could get my support, I believe.

President Gillock: For the eight space visitor parking?

Council Member Johnson: Right.

Council Member Olesen: Mr. President, I think that was a problem more associated with the second set of condominiums that were discussed, that was denied by Planning Commission. We

thought the parking would be adequate for the first one as opposed.

Council Member Butkowski: Mr. Chairman, this one also stated that there's not any room in the driveway to park in front of the garage without blocking the sidewalk. There's a lot of people that live down there. If somebody did park there, they had company, there would be absolutely no place to park. The street is too narrow to be parking on it and this is just an option for visitor parking. It doesn't say they have too. The only place they can park is in the garage of the people they are visiting because they cannot park in the driveway. There's not room to park without blocking the sidewalks.

President Gillock: Anyone else? Basically, what I'm hearing is, those of you who have spoken or not in favor of this, as long as the visitor parking area is an option rather than a requirement. Mr. Johnson?

Council Member Johnson: Mr. President, I would look favorably on it, I'm not going to commit to supporting it but, the option of the eight visitor spaces would definitely affect my vote.

Council Member Pagel: Mr. Chairman, I too, like Mrs. Butkowski, have problems with the, you can't park a vehicle in the driveway. That would not be enforceable and people would be parking there blocking the sidewalks. We would not be able to have the police force go down and tell them to move their cars. I also have a problem with that as with the option.

President Gillock: Any other comments? Would the Clerk please call the roll.

Yes, 1

No, 5 (Buescher, Pagel, Butkowski, Johnson, Gillock)

Acting Clerk of Council Cope: Planning's recommendation to approve has failed by a vote of one to five.

APPLICANT: Stone River Condo Properties, LLC, P. O. Box 39668

OWNER: Stone River Condo Properties, LLC, P. O. Box 39668

REQUEST: Build multi-family condominium units with an option to construct an 8 space visitor parking area within the side yard setback

LOCATION: Forest Park Drive (southeast); Permanent Parcel No.07-00-021-116-030

PC ACTION: Denied

motion to approve by Butkowski, 2nd by Buescher

President Gillock: Is there any discussion? Mr. Johnson?

Council Member Johnson: For the audience sake, a yes vote on this is approving the denial. It's kind of reversal of a vote.

Council Member Olesen: Mr. President, this was a severe parking problem with cars backing out of the parking lot they'd be backing right into the street and we didn't like that.

President Gillock: Thank you. Anyone else? If not, please call the roll.

Yes, 6

No, 0

Acting Clerk of Council Cope: Planning Commission's recommendation to deny has been approved by a vote of six to zero.

APPLICANT: Pulte Homes, Rob Izer, 30575 Bainbridge Road, Solon, 44139

OWNER: Sugar Chestnut LLC, 50 Public Square, Cleveland 44113

REQUEST: Cluster site plan approval for Belton Place at Waterbury PCD

LOCATION: Block "M" in Waterbury Subdivision No. 3A,
Permanent Parcel No. 07-00-035-102-004 and 07-00-035-102-069

PC ACTION: Approved subject to the compliance with City Engineer's recommendations
motion to approve by Olesen, 2nd by Johnson

President Gillock: Is there any discussion? If not, please call the roll.
Yes, 6 No, 0

Acting Clerk of Council Cope: Planning Commission's recommendation has been approved by
a vote of six to zero.

APPLICANT: Lynn Harland; Whitlatch & Co., P.O. Box 363, Twinsburg, Ohio 44087

OWNER: Whitlatch & Co., P. O. Box 363, Twinsburg, Ohio 44087

REQUEST: Final Plan approval of 32 unit condominium development to be known as
Fairfield Lane Condominium

LOCATION: Block E2 within Phase 1 of Waterbury PCD
Permanent Parcel No. 07-00-036-000-190

PC ACTION: Approved and recommended to Council
motion to approve by Pagel, 2nd by Olesen

President Gillock: Is there any discussion?

Council Member Olesen: Mr. President, I did show you that we had a drainage problem that
everyone was concerned with. The Engineer has approved everything so, we're all set.

President Gillock: Anyone else? If not, please call the roll.
Yes, 6 No, 0

Acting Clerk of Council Cope: Planning Commission's recommendation has been approved by
a vote of six to zero.

APPLICANT: Latina & Latina Builders, Inc., Lois M. Latina, 25300 Lorain Road,
Suite 3A, North Olmsted, 44070

OWNER: Gary C. Case, 32360 Nottingham, Avon, 44012

REQUEST: Preliminary approval of 12 lot subdivision, the Woods of Stradford

LOCATION: Vacant land on Mills Road south, between Barton Road and the Cuyahoga County
line, in R-1; Permanent Parcel No. 07-00-006-102-179

PC ACTION: Approved and recommended to Council
motion to approve by Olesen, 2nd by Johnson

President Gillock: Is there any discussion? Mr. Johnson?

Council Member Johnson: I'm concerned about the ownership of the retention and the island on
the cul-de-sac. I wouldn't like to see that revert to the City. I'd like to see, somehow, the owners
of the property somehow maintain ownership of that so they have the responsibility to keep that
up. This is not a condominium ownership as far as I know, I'm not sure how the ownership of
that particular property goes.

President Gillock: Thank you.

Council Member Olesen: Mr. President, I believe that's the plan. The owners would maintain
that. They would have an association to maintain it.

President Gillock: There is going to be an association with the 12 homes as far as. . .

Council Member Olesen: To maintain the retention basin.

Council Member Butkowski: Mr. Chairman, there was no discussion of a homeowner's association at the Planning Commission meeting and that would be the concern, my concern too because the City does not have time to be cleaning detention basins all over town. There was another question about subplot six not having the 90 foot requirement for its width either.

President Gillock: They would have to go to Zoning Board if that was the case. Did someone from the administration have a comment? I saw some heads nodding. Mr. Johnson?

Safety-Service Director Johnson: I believe, I think Mr. Olesen can confirm this, they did talk about the association when it was brought up about who would maintain the detention and they said it would be done by the association.

President Gillock: Thank you. Mr. Griffith?

Engineer Griffith: I would like to concur in that. I am definitely talking about a homeowner's association to care for their retention system. There was also two strips along the roadway coming out that the association was also going to take care of as well.

President Gillock: Thank you. So there is a homeowner's association that would be charged with maintaining the common areas. Anyone else? If not, please call the roll.

Yes, 5 No, 1 (Butkowski)

Acting Clerk of Council Cope: Planning Commission's recommendation has been approved by a vote of five to one.

REQUEST: Sheetz, Inc.; GPD Engineering; donate to City additional property at Lear Nagle and Lorain Roads, northeast corner, in order for City to move pole for safer intersection

PC ACTION: Accepted by Planning Commission and recommended to Council.
motion to approve by Johnson, 2nd by Butkowski

President Gillock: Is there any discussion? I know the intent is that when you are going west on Lorain making a right turn onto Lear Nagle, there's no room and that's the area we're talking about, moving that corner back so you have more room to make a turn there and moving the poles back.

Council Member Johnson: Mr. President, anybody that's sat there in that turning lane waiting for a truck to turn in there knows that that's going to be an improvement.

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 6 No, 0

Acting Clerk of Council Cope: Planning Commission's recommendation has been approved by a vote of six to zero.

OLD BUSINESS:

President Gillock: We do not have any old business. New business.

NEW BUSINESS:

President Gillock:

T 45-2003 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
ORDINANCE SECTION 232.07(F), FUNDS TO INCLUDE STORM WATER
MANAGEMENT AND RELATED ISSUES.

motion by Butkowski, 2nd by Buescher to suspend By-Laws to give this a first reading
this evening

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 6 No, 0

Acting Clerk of Council Cope: By-Laws have been suspended by a vote of six to zero.

T 46-2003 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, TO FURNISH AND INSTALL
PULVA MIXING TO BE USED BY THE CITY OF NORTH RIDGEVILLE,
OHIO.

motion by Butkowski, 2nd by Buescher to suspend By-Laws to give this a first reading

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 6 No, 0

Acting Clerk of Council Cope: T 46-2003 will receive a first reading tonight by a vote of six to
zero.

T 47-2003 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, TO FURNISH AND INSTALL
FULL DEPTH CONCRETE PADS TO BE USED BY THE CITY OF NORTH
RIDGEVILLE, OHIO.

motion by Butkowski, 2nd by Buescher to suspend By-Laws to give this a first reading

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 6 No, 0

Acting Clerk of Council Cope: T 47-2003 will receive a first reading tonight by a vote of six to
zero.

- T 48-2003 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO PURCHASE A DODGE DAKOTA PICKUP TRUCK 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 \$19,500.00.
- T 49-2003 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO PURCHASE A DODGE DURANGO UTILITY VEHICLE 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 \$28,500.00.
- T 50-2003 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO PURCHASE A FORD F-350 ONE-TON DUMP TRUCK 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 \$34,500.00.

President Gillock: I would just point out, I discuss this with Mrs. Butkowski and all three of these are appropriated. These are replacement vehicles for ones that are in real need of replacement. Correct?

Council Member Butkowski: Yes.

T 51-2003 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

motion by Mayor Hill, 2nd by Olesen to suspend By-Laws to give this a first reading

President Gillock: Is there any discussion? Mr. Johnson?

Council Member Johnson: I would like to see some kind of detail billing on this before I approve it.

President Gillock: Can we get some kind of documentation, Mayor, please? You introduced the ordinance.

Mayor Hill: Whatever is legally possible. We can do that.

President Gillock: We can still pass this next meeting. We don't have to pass it tonight. We just don't want to go more than 30 days.

Council Member Johnson: I understand the time limit.

President Gillock: Any other discussion on the suspension to give this a first reading? If not, please call the roll.

Yes, 6 No, 0

Acting Clerk of Council Cope: T 51-2003 will receive a first reading tonight by a vote of six to zero.

CORRESPONDENCE:

- 1) Received a reminder from the Ohio Ethics Commission that the annual Financial Disclosure Statement filing deadline is approaching.
- 2) Received a memo from Planning Commission regarding recent submissions to Planning Commission and Council with plats identified with a number and letter such as 3A and 3B or 8A and 8B. Requests that Waterbury Subdivision 3A and 3B be now known as Phase 3 and that Ridgefield Subdivision Phase 8A and 8B be now known as Phase 8.

LOBBY:

President Gillock: We now come to the lobby portion of our meeting. Anyone is welcome to address Council. You'll be given three minutes. We ask that you sign in using the sheets in the back. Anyone wishing to speak a second time may do so as soon everyone else has had the opportunity to speak the first time. Is there anyone wishing to address Council at this time?

- 1) Andy Young of 35290 Elder Street stated that he is running for Council-at-Large and urges Council to revise or rethink the option of giving people, during Lobby session, more than three minutes to speak.

President Gillock: I will just point out to Mr. Young, because he is new to the community, we use to have a time limit, for years, of two minutes. This Council expanded it to three minutes. There has been movement in that direction. Anyone else? Mrs. Pagel?

Council Member Pagel: I also would like to point out that once everyone else has spoken, you may also approach the podium again for an additional three minutes.

motion by Pagel to suspend By-Laws to disregard the recess, 2nd by Butkowski
President Gillock: Is there any discussion? If not, please call the roll.

Yes, 6 No, 0

Acting Clerk of Council Cope: Recess has been dispensed with by a vote of six to zero.

RECESS: dispensed with.

FIRST READINGS:

Clerk of Council Norris:

- | | |
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| T 41-2003 | AN ORDINANCE CREATING THE POSITION OF SAFETY COORDINATOR
AND SETTING THE COMPENSATION THEREFORE.
First Reading |
| T 42-2003 | A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.
First Reading |
| T 43-2003 | A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS. |

First Reading

President Gillock: This is one that we want to amend by substitution.

motion by Gillock to amend Resolution T 43-2003 by substitution, in its entirety,
with an ordinance to approve the expenditure, 2nd by Pagel

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 6 No, 0

Acting Clerk of Council Cope: T 43-2003 has been amended by a vote of six to zero to become
an ordinance: AN ORDINANCE TO APPROVE THE EXPENDITURE OF FUNDS.

T 44-2003 AN ORDINANCE ACCEPTING THE FINAL PLAT OF WATERBURY PCD
PHASE 3 FOR APPROVAL AND FOR RECORDING PURPOSES.

First Reading

T 45-2003 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
ORDINANCE SECTION 232.07(F), FUNDS TO INCLUDE STORM WATER
MANAGEMENT AND RELATED ISSUES.

First Reading

T 46-2003 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3893-2003 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, TO FURNISH AND INSTALL
PULVA MIXING TO BE USED BY THE CITY OF NORTH RIDGEVILLE,
OHIO.

First Reading

motion by Butkowski, 2nd by Buescher to dispense with second and third readings

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 6 No, 0

Acting Clerk of Council Cope: Second and third readings have been dispensed with by a vote of
six to zero.

motion by Butkowski, 2nd by Buescher to adopt

President Gillock: Is there any discussion? Mrs. Butkowski?

Council Member Butkowski: The reason I'm suspending these is, we need this pulva mix and
the other ones here to get the work started for spring.

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 6 No, 0

Acting Clerk of Council Cope: T 46-2003 has been adopted by a vote of six to zero and becomes
permanent ordinance number 3893-2003

Permanent Ordinance No. 3893-2003

T 47-2003 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3894-2003 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, TO FURNISH AND INSTALL
FULL DEPTH CONCRETE PADS TO BE USED BY THE CITY OF NORTH
RIDGEVILLE, OHIO.

First Reading

motion by Butkowski, 2nd by Buescher to dispense with second and third readings

President Gillock: Is there any discussion? If not, please call the roll on the suspension.

Yes, 6 No, 0

Acting Clerk of Council Cope: T 47-2003, second and third readings have been dispensed with
by a vote of six to zero.

motion by Butkowski, 2nd by Buescher to adopt

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 6 No, 0

Acting Clerk of Council Cope: T 47-2003 has been adopted by a vote of six to zero and becomes
permanent ordinance number 3894-2003

Permanent Ordinance No. 3894-2003

T 51-2003 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

First Reading

SECOND READINGS:

T 127-2002 AN ORDINANCE REPEALING SECTION 1282.11(B)(3)

REVISED REFERENCING THE REGIONAL DWELLING HOUSE CODE.

Second Reading

T 15-2003 AN ORDINANCE AMENDING CHAPTER 854, PEDDLERS, CANVASSERS
AND SOLICITORS.

Second Reading

T 18-2003 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
ORDINANCE SECTION 1242.03, BUILDING PERMITS AND
CERTIFICATES OF OCCUPANCY REQUIRED; CERTIFICATES FOR
NONCONFORMING USES; ISSUANCE OF STREET NUMBERS FOR
STRUCTURES; TIME LIMITATION FOR COMMENCEMENT OF WORK.

Second Reading

T 19-2003 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
REVISED ORDINANCE SECTION 1242.04, FEES.
Second Reading

T 33-2003 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES
3895-2003 IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$6,790,000, IN
ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE PROPERTY
OWNERS' PORTION, IN ANTICIPATION OF THE LEVY AND
COLLECTION OF SPECIAL ASSESSMENTS, AND THE CITY'S PORTION
OF THE COST OF CONSTRUCTING A SANITARY TRUNK SEWER,
TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK
INCIDENTAL THERETO FROM AN EXISTING MANHOLE IN CASE ROAD
AT THE NORTHERN CORPORATE BOUNDARY OF THE CITY SOUTH IN
CASE ROAD A DISTANCE OF APPROXIMATELY 300 FEET AND THEN
EASTERLY AND SOUTHERLY IN CITY EASEMENTS, PROPERTIES AND
RIGHTS-OF-WAY TO A POINT APPROXIMATELY 2,400 FEET EAST OF
AND 2,600 FEET SOUTH OF THE INTERSECTION OF RACE ROAD AND
SUGAR RIDGE ROAD.

Second Reading

motion by Butkowski, 2nd by Johnson to dispense with third reading

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 6 No, 0

Acting Clerk of Council Cope: Second and third readings have been dispensed with by a vote of six to zero.

motion by Butkowski, 2nd by Johnson to adopt

President Gillock: Is there any discussion?

motion by Butkowski, 2nd by Johnson to add the emergency

President Gillock: Reason being. . .

Council Member Butkowski: The note is due on May 8 and it has to be in effect by then.

President Gillock: Correct. Is there any other discussion on adding the emergency? If not, please call the roll.

Yes, 6 No, 0

Acting Clerk of Council Cope: Emergency has been added by a vote of six to zero.

President Gillock: Is there any further discussion on the adoption of the ordinance? If not, please call the roll on the adoption.

Yes, 6 No, 0

Acting Clerk of Council Cope: T 33-2003 has been adopted with the emergency by a vote of six to zero and becomes permanent ordinance number 3895-2003

Permanent Ordinance No. 3895-2003

T 34-2003 A RESOLUTION TO ADOPT FISCAL POLICIES FOR THE YEAR 2003.
Second Reading

- T 35-2003 AN ORDINANCE REGULATING DUMPSTERS AND TRASH COLLECTION AREAS.
Second Reading
- T 36-2003 AN ORDINANCE REPEALING SECTION 1281.14(G), TEMPORARY STRUCTURES AS CONDITIONAL USES, OF THE CODIFIED ORDINANCES.
Second Reading
- T 39-2003 AN ORDINANCE ACCEPTING THE FINAL PLAT OF RIDGEFIELD SUBDIVISION 8A AND 8B FOR APPROVAL AND FOR RECORDING PURPOSES.
Second Reading
motion by Gillock to amend T 39-2003 by replacing all references of subdivision 8A and 8B to Ridgefield Subdivision No. 8, 2nd by Johnson
President Gillock: Is there any discussion on the amendment? If not, please call the roll.
Yes, 6 No, 0
Acting Clerk of Council Cope: T 39-2003 has been amended by a vote of six to zero.

THIRD READINGS:

- T 16-2003 AN ORDINANCE REVISING CODIFIED ORDINANCE CHAPTER 1462,
3896-2003 CELLULAR COMMUNICATIONS SYSTEMS.
Third Reading

Council Member Butkowski: Mr. Chairman, I would like to add two amendments that each one of the Council Members have. Number 1462.19 Insurance Requirement and 1462.20 Indemnify, Defend, and Save Harmless the City of North Ridgeville.

President Gillock: Let's take them one at a time.

motion by Butkowski to add 1462.19 Insurance Requirement, 2nd by Buescher

President Gillock: Is there any discussion to add a paragraph in regard to insurance requirement? If not, please call the roll.

(As submitted to Council:

1462.19 INSURANCE REQUIREMENT

No applicant shall fail to obtain liability insurance with an insurer authorized to write liability insurance in this State providing coverage in each occurrence, subject to a limit, of not less than one million dollars (\$1,000,000.00) because property damage or bodily injury to or death of a person caused as a result of the ownership, custody, maintenance, use or operation, or entrustment to others, of the wireless telecommunications base station and equipment.)

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

Acting Clerk of Council Cope: T 16-2003 has been amended to include an insurance requirement by a vote of five, zero, one.

motion by Butkowski to add 1462.20 Indemnify, Defend, and Save Harmless the City of North Ridgeville, 2nd by Buescher

President Gillock: Is there any discussion on adding an indemnification clause? If not, please call the roll.

(As submitted to Council:

1462.20 INDEMNIFY, DEFEND, AND SAVE HARMLESS THE CITY OF NORTH RIDGEVILLE

The applicant agrees to indemnify, defend and save harmless the City from real or asserted liability, including the cost of defense, connected with or resulting from the ownership, custody, maintenance, use or operation, or entrustment to others, of the wireless telecommunications base station and equipment, and/or which liabilities are not covered by the insurance obtained by the applicant, or if covered, are in excess of the limits required.)

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

Acting Clerk of Council Cope: T 16-2003 has been amended to include an indemnification clause by a vote of five, zero, one.

motion to adopt by Butkowski, 2nd by Olesen

President Gillock: Is there any discussion on the adoption? Mrs. Buescher?

Council Member Buescher: I would just like to publicly thank Mr. Larry Kane for all the incredible work he did on this piece of legislation and also Council Member Dennis Johnson. We really appreciate it.

Mayor Hill: Mr. President, there were several suggestions made by the Assistant Law Director as far as changes she recommended so that these regulations are enforceable. My understanding is that those have not been discussed at all and I wonder if Council would not pass it tonight and if it could be referred back for further consideration of her suggestions.

Council Member Johnson: Mr. Chairman, first I'd like to explain my abstentions tonight. To avoid any appearance of impropriety through my employment, I've abstained from voting but, this matter was before the Utilities Committee and we dealt with it for quite some time. Toni Morgan was at the Utilities Committee meeting the last time and there was an agreement made between her and committee members and Planning Commission that we should pass the ordinance as it is with the two amendments and revisit the whole idea, cell tower ordinance, at a later date so we can get this thing in place and protect the City for cell towers in the future.

Mayor Hill: Mr. President, those were her concerns that without the particular recommendations she had made that, perhaps, the City is not going to be protected if it moves forward before considering these.

President Gillock: She was in the meeting and agreed. Mr. Johnson?

Council Member Johnson: Mayor, those were the two amendments that were just made, were her concerns. They have just been addressed.

Mayor Hill: Mr. President, I don't think so because she came to me this morning about her concerns and the fact that they have not been addressed and was promised that they would be addressed in the future. However, once the ordinance is passed, then you have to go back and amend it and change the ordinance again without those protections she had suggested.

President Gillock: Actually, the two amendments that we voted on this evening and give credit where credit is due, were brought up by Mr. Young. Mrs. Butkowski?

Council Member Butkowski: At the Utilities meeting and also at the Planning Commission meeting, some of Mrs. Morgan's concerns were discussed and she did agree that we could wait

because we essentially, don't have a cell tower ordinance right now and we need one as we're coming into construction time. We don't have anything to protect the City. We got a good ordinance that may just need a little tweaking and the Utilities Committee has agreed to go back and work with Mrs. Morgan on that. We felt that this, and she agreed too, that this could go forward with that.

Mayor Hill: Mr. President, apparently there's, well we can call it a mis-communication but, Mrs. Morgan did come to me this morning and expressed her concerns that this wouldn't pass and the ordinance would not be changed soon enough.

President Gillock: I can appreciate your concern but, as far as amending it, the way I look at it doesn't make any difference whether we adopt it tonight or not. We're going to have to amend it in regards to Mrs. Morgan's recommendation so, we can do that even though we pass it, we can still amend it. It's just a matter of making sure Utilities meets in a timely manner. We're sitting here right now with no cell tower ordinance and our moratorium, basically, expired in January. In my opinion, we need to get something on the books and then incorporate those changes. Anyone else? If not, please call the roll on the adoption.

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

Acting Clerk of Council Cope: T 16-2003 has been adopted by a vote of five, zero, one and becomes permanent ordinance number 3896-2003.

President Gillock: I would ask that the Utilities Committee take that subject up as soon as possible. (REFERRED TO UTILITIES COMMITTEE)

Permanent Ordinance No. 3896-2003

UNFINISHED BUSINESS:

President Gillock: We do not have any unfinished business on the agenda. Mayor Hill?

Mayor Hill: There was a concern expressed to me during this meeting that the Fairfield Lane Condominiums, the Planning Commission approval which was then approved by City Council tonight, it's on pages four and onto the top of five of your agenda, it says (tape one side one ends)

President Gillock: Would someone like to make a motion to reconsider the approval of Whitlatch's application.

motion by Buescher, 2nd by Olesen to reconsider Whitlatch's application

President Gillock: Is there any discussion on the reconsideration? If not, please call the roll.

Yes, 6 No, 0

President Gillock: My question is, did Planning approve a 36 unit condo and this is just typed wrong in this piece of paper.

Mayor Hill: I believe it's a typo. Yes, Planning Commission approved 36.

President Gillock: Mr. Johnson, did you have a comment?

Safety-Service Director Johnson: Yes, initially this came in as 37 units when it was a triplex. They dropped one unit for 36 to be duplex.

President Gillock: Essentially, the number of units is unrelated to the issue at hand which was the drainage, which the Engineer did look at, correct?

Safety-Service Director Johnson: Yes.

President Gillock: Are there any other questions or comments in regard to the application? Mrs.

Butkowski?

Council Member Butkowski: It's in the Planning Commission report here, it says 32.

President Gillock: The Planning Commission report could have a typo and that's why it got transferred to the agenda. To me, the point is, it's unrelated to the issue.

Safety-Service Director Johnson: Mr. Olesen has the plans for that there tonight, right in front of him. I believe it will show you the amount.

Mayor Hill: I believe that is correct, that it was a typo in the Planning Commission minutes and then of course transferred directly from that. It was 36 that was submitted.

Council Member Johnson: Mr. President, I believe as long as it's a typo, there's no need to correct it. I see no problem with going through and clarifying.

President Gillock: I agree. It's not on there. Is there any other discussion? Is there a motion to approve based on 36 units?

motion by Pagel, 2nd by Olesen to approve Planning's approval of this application based on 36 units

President Gillock: Is there any discussion? Mrs. Butkowski?

Council Member Butkowski: If we do this with 32 and there's actually a different number than 32, now we're going to 36, does this give them permission to build more or what? I think if it's a typographical error then it's just been approved as it was approved by the Planning Commission. I don't think we have to go back and we don't have any paper work here to tell us for sure what's been submitted and what's been approved by Planning Commission. Our paper work says it's 32.

Council Member Pagel: Mr. President, I think Whitlatch has come to this City in very good faith and I think they've been strung out long enough for certain, just for things and the original preliminary plans they wanted triplexes. We voted down triplexes and I voted them down. They came up with then, 18 two unit condominium sets to a total of 36 and we approved the preliminary plans. I remember that distinctly. I have no problem with my motion to say, this is a typo and it really is 36 units.

President Gillock: Thank you. Anyone else? Please call the roll on the approval based on 36 units.

Yes, 6 No, 0

Acting Clerk of Council Cope: Motion has been approved by a vote of six to zero.

President Gillock: Is there any other unfinished business?

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING APRIL 21, 2003**

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COMMITTEE MEETING ANNOUNCEMENTS:

Acting Clerk of Council Cope:

Next Council Work Session Monday, May 5, 2003 at 7:30 P.M.

Next Regular Council Meeting Monday, May 5, 2003 at 8:00 P.M.

Public Hearing Monday, May 19, 2003 regarding Waterbury PCD Phase 3.

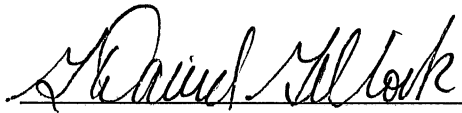
ADJOURNMENT:

motion to adjourn by Butkowski, 2nd by Johnson
President Gillock: Meeting adjourned.

Meeting adjourned at 8:59 P.M.

MOTION Butkowski 2ND Johnson DATE May 5, 2003

YES 6 NO 0 ABSTAIN 1 - Swindig



PRESIDENT OF COUNCIL



CLERK OF COUNCIL