

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING APRIL 19, 2004**

CALL TO ORDER: 7:30 P.M.

President Ronald Arndt: Good evening, the Chair calls to order the regular meeting of our North Ridgeville City Council dated April 19, 2004, if you will please rise for our Invocation and our Pledge of Allegiance.

INVOCATION: lead by President Arndt.

PLEDGE OF ALLEGIANCE: by all.

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.

MINUTES - Corrections (if any) and Approval:

President Arndt: You will note that we do not have minutes from our last meeting. The reason is that our tape broke and our Assistant Clerk of Council is working to recreate our minutes and hopefully, we'll have that for our next meeting, having said that, you will please note that you have before you:

Board of Zoning & Building Appeals Minutes of regular meeting March 25, 2004 and Planning Commission Minutes of regular meeting April 13, 2004.

MAYOR AND DIRECTORS REPORTS:

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

Mayor

Mayor Gillock: Thank you. Good evening, Mr. President and Council Members. First, I would like to confirm what you may have seen in the newspaper. We resolved all of the easements that were in question in regards to the sewer line going west down Center Ridge Road from Race to Elyria City line without having to go to court. As I have previously indicated, Court action would be used as a last resort only. I would like to thank our Law Director, Mr. Crites, for his diligent efforts in getting this done. A preconstruction meeting was held last Monday and the contractor, Frabrizi Trucking and Paving, indicated they would begin construction around May

17th with an anticipated completion and time to have grass growing before the snow flies next fall.

Secondly, I am pleased to announce that WallGreens Drug Store has decided to build a new store in North Ridgeville. The location is in a B-3 zone on the north side of Center Ridge between Dr. Arndt's dentist office and attractive flooring. A significant part of the project is our intent to do a TIFF project, tax increment financing, to straighten out Lear Nagle Road by taking it north, essentially through the dentist parking lot and curving it back east to reconnect with Lear Nagle north thereby eliminating the jog in Lear Nagle. All of this, of course, is dependent on a number's factor, including approvals by Council at various points. The new jobs and the street straightening will be welcome additions. Lastly, last week the Safety-Service Director and I met with two representatives from the Ohio Department of Transportation and interviewed several engineering firms in regards to completing an environmental study needed to proceed with our desire to widen Center Ridge Road. Burgess and Niple Engineering from Cleveland, Ohio was selected to provide this required study for this proposed widening. That concludes my report.

President Arndt: Thank you, Mr. Mayor. We now have the opportunity to hear an oral report from our Safety-Service Director, Mr. Johnson.

Safety-Service Director

Safety-Service Director Johnson: Thank you, Mr. President. The long awaited hot patch season has finally arrived. Our Street Department is working hard to repair damage caused by this past winter. It will take some time to get all the patching completed so, your patience is appreciated. The City's working hard to comply with federal mandates on storm water management. Part of that mandate is citizen education. We have several pamphlets available on the subject available at City Hall, the Library and some other locations. I will be glad to have some available to any organization interested in helping with this effort. Contact me or Engineer Larry Griffith if you are interested.

Residents on Aurensen and adjoining streets suffered a sewage backup over the weekend. The City's looking into the incident and is doing everything we can to see that the residents are properly compensated.

Finally, late this afternoon, the Ohio Department of Transportation has notified us that they intend to close the I-480 ramps to Lorain Road for reconstruction on a weekend. They also intend to close Sterns Road ramps for 14 days for reconstruction on different days. We strenuously object to the closing of Lorain Road ramps, even for a weekend and will make that argument when we speak to ODOT tomorrow. I would like to be able to tell them that our City Council also objects to this closure, for the record. There was not enough time allowed for a formal written resolution but, I'd like a voice confirmation of objection if Council so desires.

President Arndt: Thank you, Mr. Johnson.

moved by Buescher, seconded by Butkowski to support the vocal and verbal support of our Safety-Service Director and our administration to object vigorously as to closing down our exit ramp

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

Council Member Young: How long is the closure going to be?

Safety-Service Director Johnson: A weekend.

Council Member Young: I support the Safety-Service Director.

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

Yes, 7 No, 0

President Arndt: I believe you have our support.

Safety-Service Director Johnson: Thank you.

President Arndt: We now come to the opportunity for our Engineer to continue his educational process and Mr. Griffith, if you would please like to give your report.

Engineer

Engineer Griffith: Thank you, Mr. Chairman. I'm going to start this informational series with a little background information. As far as requirements are concerned, the City of North Ridgeville is required to develop, implement and enforce a storm water management program designed to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality and to satisfy the requirements of the Clean Water Act in accordance with the Ohio Environmental Protection Agency Phase II program. The storm water management program must address the six minimum control measures as required by the State regulations. The six minimum control measures are expected to result in significant reductions in the pollutants discharged to the storm water system by the City of North Ridgeville. The identified water quality pollutants are fecal coliform, oil and vehicle fluids, litter and suspended solids. The six minimum controls are: a. Public Education/Outreach; b. Public Participation Involvement; c. Illicit Discharge Detection/Elimination; d. Construction Site Runoff Control; e. Post Construction Runoff Control; and f. Pollution Prevention/Good Housekeeping.

The Ohio EPA Notice of Intent and the storm water management program were submitted to the Ohio EPA on March 7, 2003 along with the check for 200 dollars. The Ohio EPA Facility Permit for an MS4 Rapidly Developing Watershed, which is what North Ridgeville is called, dated April 7, 2003 was received by the City. This is our permit. A review of our report was received from the OEPA on February 6, 2004. That's this report that they critiqued what we had submitted saying that there were a few places where they felt we could do a little bit more than what we promised.

Now, as an overview, the City of North Ridgeville contains 25 square miles within its corporation limits and has a population of about 23,000 residents. The City is located in the Black River watershed and has three major tributary streams along with several minor. There are eight storm water out falls from North Ridgeville into surrounding communities and four storm water in-flows into North Ridgeville from surrounding communities. The majority of the City is served by sanitary sewer with approximately 11 square miles currently undeveloped. Of that undeveloped area, approximately four square miles is being farmed.

The City of North Ridgeville is required to submit an annual report during the first five years of

our permit cycle. The first annual report was submitted to the Ohio E.P.A. on April 7, 2004 along with a check for 2,500 dollars. This report includes the status of our compliance with the permit conditions, an assessment of the appropriateness of the best management practices and progress toward achieving the measurable goals for each of the six minimum control measures, a summary of the activities the City of North Ridgeville has undertake during the reporting cycle, any changes to Better Management Practices or measurable goals, answers to the questions that the E.P.A. raised in their critique of the original report and all relevant data obtained during the reporting period.

Next week I intend to outline the six minimum control measures in a little more detail.

President Arndt: I appreciate that and hopefully we can keep those six really down, if we might.

Engineer Griffith: Maybe I can do one at a time.

President Arndt: That might be more appropriate so that we still get the message across. Thank you, Mr. Griffith. We now have the opportunity to hear a report from our Auditor tonight.

Auditor

Auditor Costin: Yes, Mr. Chairman. The Council and administration had previously received our written March 2004 report and in our hast to complete it timely, it was determined that there was certain budgetary information that was inadvertently left out. Rather than replace pages, I distributed tonight, a revised report. The actual numbers, there were no changes. They were as the original report. The only thing that we changed was the budgetary to be in conformity with the approval we have through the Lorain County Auditor's office. I request that you replace your previously received report with this revised report. No further comments, thank you.

Auditor's Written Financial Report as amended

moved by Swindig, seconded by Buescher to accept the amended budgetary report

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 Buescher to accept the amended report of the Auditor's March 2004 Financial Report

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

Other Reports

Clerk of Council Norris: Council will take note of the:

Mayor's Court Operating trust Fund/Bail Trust Fund Report for March 2004;

Police Department Report for March 2004;

Fire Department Report for March 2004;

Police Department Support Car Report for March 2004; and

Service Department Activity Report for March 29 through April 11, 2004.

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Planning Commission Report to Council of regular meeting April 12, 2004:

President Arndt: Just as a reminder for our Council Members that, T 11, T 12 and T 13 were up for a first reading at our March 15th meeting and the Chair postponed those until the receipt of the Planning Commission Report and we're going to see them again in our third readings. If the Clerk would continue our reports.

Clerk of Council Norris:

T-11-2004 An ordinance amending North Ridgeville Codified Ordinance section 1228.01. Duties of City Engineer construction specifications and regulations.

PC ACTION: Approved

 moved by Olesen, seconded by Jaenke to approve the action of the Planning Commission

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-12-2004 An ordinance amending North Ridgeville Codified Ordinance section 1474.09, Detention Ponds.

PC ACTION: Approved

 moved by Olesen, seconded by Jaenke to approve Planning Commission action on T 12

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-13-2004 An ordinance amending North Ridgeville Codified Ordinance section 1474.07, Computation of Storm Water Runoff.

PC ACTION: Approved

 moved by Olesen, seconded by Jaenke to approve Planning Commission action

Council Member Butkowski: Mr. President, this T 13 has to be amended slightly. I can amend it now or, I can amend it when we are doing our third reading. Which would you prefer?

President Arndt: Let's amend it right now.

 moved by Butkowski, seconded by Young to amend T 13-2004, under the first whereas, after the word ordinance, strike the s and add 1474.07 and then the word currently, then after the word requires, put require, add an s to it and that will make it conform.

President Arndt: We have a motion on the floor by Mrs. Butkowski and seconded by Mr. Young to amend T 13 based on the language that we just heard. Is there any discussion?

Council Member Butkowski: Mr. Chairman, did you want me to read it.

President Arndt: Would you do that please? Thank you.

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Council Member Butkowski: I'll read the whole whereas. It's not that long. "Whereas, Codified Ordinance 1474.07 currently requires that culverts and detention basins should be designed for a 25-year storm frequency; and" that's all that you have to worry about.

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: We also have a motion on the floor, Mr. Olesen you originally had a motion to approve the Planning Commission action as approved, would you make that motion as amended?

Council Member Olesen: As amended, yes.

President Arndt: And, Mr. Jaenke?

Council Member Jaenke: Second.

President Arndt: Is there any discussion? All those in favor of accepting the Planning Commission on T 13 as amended, signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

President Arndt: Regarding T 19, T 20 and T 21, the Chair has chosen to refer this to Buildings and Lands as there is still considerable work being done on those three pieces of legislation.

Clerk of Council Norris:

T-31-2004 An ordinance amending North Ridgeville Codified Ordinance Section 1240.01, 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.

PC ACTION: Approved

 moved by Young, seconded by Olesen to approve Planning Commission's action of T 31

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

All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris:

APPLICANT: Pulte Homes, GBC Design, Inc., 3378 W. Market Street, Akron, OH 44333

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

REQUEST: Final Plat & Improvement Plans for Jordan Place at Waterbury

LOCATION: Terrell Drive, (all of Block "R" in Waterbury Subdivision No. 3B) in a PCD - R1 District. Permanent Parcel No. 07-00-038-000-207

PC ACTION: Approved

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 moved by Jaenke, seconded by Olesen to approve Planning Commission's action
President Arndt: Is there any discussion regarding Pulte Homes and Planning Commission
action? 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:

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 Jaenke, seconded by Olesen to approve Planning Commission's action
regarding Village Motor Sports

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

Council Member Young: I was reading over the Planning Commission minutes and there
seemed to be a lot of discussion over whether or not Angelo Guzzo is going to need a retention
basin or detention basin. With the water runoff being a major concern in this City, especially
with some areas flooding, I'd like to address the Engineer a question as to whether or not that's
going to be taken care of and whether or not there is indeed going to be a detention basin. The
question was in the minutes, originally it's a one acre lot abutting another one acre lot. If a
building is on a one acre lot then you don't need this basin whereas, once it's combined and it's a
two acre lot, you do need to have the basin to prevent the water flow runoff.

President Arndt: Please, Mr. Griffith if you would respond.

Engineer Griffith: As it stands right now, no he doesn't have to have it according to the plans
approved by Planning Commission.

Council Member Young: Once it's a two acre lot, by code, isn't he required to have it?

Engineer Griffith: It depends on how you interpret it. Basically, the way the code is interrupted,
at least this is the way I understand it, if the construction work that you are doing currently is one
acre or more, than you have to have it. It only affects what you're adding. Everything else prior
to that has been grand fathered. What I've mentioned about this particular location was that you
can sometimes try to get around this requirement by a half acre of work now and next year do
another half acre and in a manner, try to get around it. What I was trying to say here was, what
he has had there originally was okay, it was grand fathered. If he adds anymore, he's going to
have to have some retention for the entire site.

Council Member Young: It's my understanding that he plans to add more. Isn't that right?

Engineer Griffith: That's what was approved. What he is adding still does not exceed one acre.

Council Member Young: I'll look to you for recommendation on this.

Engineer Griffith: I think he's okay right now. All he's adding is a building. If he's going to add

any more in the future, which in all probability he will, he's going to have to take all that into consideration.

Council Member Young: At that time he's required to come back to Planning, right?

Engineer Griffith: Yes, that's correct.

Council Member Butkowski: Mr. Chairman, my concern and especially if he doesn't have to have any detention, he has to put in a private sewerage plant. You start putting a private sewage plant in there with no detention of water and then he's going to be asking for variances and we're talking about R-1 property that it's surrounding. He has another parcel of property. If he combines it, he will not need that. When you're going to put a private sewage system in on a one acre lot that's not going to have any detention and it's next to R-1 homes, I'm not sure he's being a friendly neighbor or too helpful for the City with this.

Council Member Young: Mr. President, I have one more question to the Engineer. To my understanding this is a car sales place. If he paves over all of that area that's been approved, is he required to have a retention or detention basin because the water doesn't seep through the pavement.

Engineer Griffith: What I'm trying to say is, let's say you own a five acre lot that's undeveloped and you come to the City and say I want to build something, regardless of what it is, but it's hard surface and it's only three-quarters of an acre, by our code you don't have to do anything. You come back later, next year and you're going to add something else now, it's a half acre. It's still not more than one acre however, just the year before you added three-quarters of an acre. It's kind of a way of trying to get around the regulations. What I'm saying is that he's up to the maximum now to where, if he adds anything else, it can't be grand fathered what he's put in the last year or so. He's going to have to handle that at that point in time.

Mayor Gillock: As long as he's not legally combining these two parcels which is what I recommended, which he's not doing, you're only dealing with one parcel and it's not one acre so, you can't require that detention. He's got two separate parcels. The two parcels together would total an acre but, they're not together. They're two separate parcels. You have to look at it from that standpoint.

President Arndt: It's also my understanding too, as I see from our Chief Building Inspector, that there are some variances being required or requested. Am I correct? On this application? So, this also has to pass before the Board of Zoning and Building Appeals. Mr. Young?

Council Member Young: If I can direct a question of the Law Director? It's my understanding that when one owner owns two parcels next to each other, those parcels automatically combine as far as the County Recorder is concerned. Do you know?

Law Director Crites: Maybe for tax purposes. I don't believe for our Codified Ordinances. I can look into that and give you a more definitive answer but, that's the way I understand it in terms of applying our ordinances. It's a different story, apples and oranges with county tax.

Council Member Young: Mr. President, I'd like to ask Mr. Jaenke to withdraw his motion and postpone this for the next Council meeting, before we approve it. That way the Board of Zoning Appeals will have a chance to check over those variances as well.

Mayor Gillock: you don't have to withdraw. You can just make a motion to postpone.

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moved by Young, seconded by Buescher to postpone Council's approval of the Planning Commission action regarding Village Motor Sports until the 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:

APPLICANT: Whitlatch & Co., P.O. Box 363, Twinsburg, OH 44087

OWNER: Same

REQUEST: Final plan and plat for Stonebriar Subdivision Cluster)

LOCATION: 35103 Lorain Road in an R-1 district

Permanent Parcel No. 07-00-013-000-082, 07-00-024-102-016

PC ACTION: Approved

moved by Young, seconded by Jaenke to approve the Planning Commission action related to Whitlatch & Company

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:

APPLICANT: Milloy Architects, LLC/Azak Properties 2649 Gasser Blvd., Rocky River, OH 44116

OWNER: Azak Properties, 21150 Indian Hollow Road, Wellington, OH 44090

REQUEST: to construct an eight (8) building self storage facility (87,100 square feet) with an accessory management building (800 square feet)

LOCATION: Race Road in an I-2 district

Permanent Parcel No. 07-00-039-000-077

PC ACTION: Approved

moved by Jaenke, seconded by Olesen to approve Planning Commission action related to Millory Architects

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:

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

PC ACTION: Approved

moved by Buescher, seconded by Olesen to approve

Council Member Jaenke: Mr. President, I'd like to make a motion that we postpone this action until our next meeting. There is a need to do some sanitary sewer calculations between the developers engineer and the engineer that developed the major trunk line. I really think we should postpone this until the next meeting so we can get these calculations.

moved by Jaenke, seconded by Young to postpone this action until our next meeting

Council Member Buescher: Mr. President, I am fully aware that the administration is working together on this issue including the Engineer and the Assistant Law Director however, as ward one representative, I'm aware of his frustration and plight over the past three years and would hope that this issue is going to be worked out in his favor. I'd like to ask Council if they would approve having Mr. Marsico, his engineer, tell us where they are at this point on this issue.

moved by Buescher, seconded by Butkowski to give the engineer of Mr. Marsico the opportunity to present his case to Council

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

Yes, 7 No, 0

President Arndt: Sir, if you please would give us your name and address.

Mr. Dale Haywood: My name is Dale Haywood. My address, 630 Cleveland Street, Elyria. Thank you for this opportunity to discuss the project with Council. Last week's Planning Commission meeting, my client was granted contingent approval by Planning Commission for preliminary subdivision approval. We understand that to be that North Ridgeville Planning Commission has agreed to the project in concept only, subject to some issues that need to be resolved before Mr. Marsico presents final construction plans and final plat approval to the City. Being at the preliminary stage and being granted approval tonight by Council that authorizes us to proceed with more detailed engineering calculations to determine, if indeed adequate reserved capacity exists at our proposed point of connection with the sanitary sewer system in Meadow Lakes Subdivision and through to the westerly trunk sewer. The proposed subdivision at this point consists of 49 lots which will generate anticipated sewage flows that may indeed exceed the available capacity. If that is the case, the final plans will reflect a change, a decrease in the number of homes. The 49 lots, at this point in time, reflect permissible zoning, allowable lot sizes and coverage and areas reserved for storm water detention. In short, our goal is to receive preliminary subdivision approval, asking North Ridgeville to agree to the project in concept, only, at this point. We will come back in a month, two months, however long it takes to resolve the issues, predominantly, the issue to answer how much sewage capacity exists to go through Meadow Lakes Subdivision and then through the westerly trunk sewer. May I answer any other questions about the project at this point in time?

Council Member Young: Mr. President, I have a series of questions if I could have the floor?

President Arndt: If you would please, yes.

Council Member Young: Mr. Haywood, has this project been before the City before?

Mr. Haywood: Yes. Two years ago Mr. Marsico was granted preliminary approval to tie into the sewer system in Meadow Lakes.

Council Member Young: Was this issue involving the sewage tie in and the capacity of the sewage tie in discussed at the time of the 2000 preliminary approval?

Mr. Haywood: No, at the preliminary approval stage.

Council Member Young: Was there any discussion about the capacity available for the houses proposed for the sewage in that area?

Mr. Haywood: No number of houses were ~~opposed~~ proposed at that time.

Council Member Young: Did your engineer make calculations at all that would be capable of determining the volume of sewage in the capacity of that area?

Mr. Haywood: No.

Council Member Young: Was there anything put on file or given to the Engineering Department with regard to capacity for the tie in?

Mr. Haywood: The previous Engineer, at that point in time, was Beutler, and he and I discussed a possible amount of homes that could be developed on the Marsico property. As I understand it at this point in time, there may have been some reworking of the platted area that would contribute sewage flows to the westerly trunk sewer. There needs to be a fresh look at the situation.

Council Member Young: Were there any discussions about having Marsico provide some funding toward a sewer up Case Road as opposed to the interceptor or the tie in?

Mr. Haywood: Can you explain further?

Council Member Young: Were there discussions regarding possibly pursuing this project if there was some ability to provide sewers up Case Road as opposed to tying into the Meadow Lakes sewer?

Mr. Haywood: Mr. Marsico and others did circulate a petition in the area of the northwest quadrant of the City to see if there was interest to tying in near the Avon corporation limit and run the sewer down Case Road.

Council Member Young: What happened to the petition?

Mr. Haywood: There wasn't enough support for the project.

Council Member Young: With regard to the tie in, what did Tom Beutler and you determine as to the capacity of houses that could be tied in through Meadow Lakes?

Mr. Haywood: Somewhere in the vicinity of 30 to 50 homes. We didn't pinpoint a precise number.

Council Member Young: Is there a file or some paperwork on that that can be reviewed?

Mr. Haywood: Sure. I'm sure it's a, you had copies of Mr. Beutler's correspondence with myself and I do have copies in my file.

Council Member Young: Did the City Engineer provide any or do their own calculations at all in the 2000 project?

Mr. Haywood: The City Engineer at that time?

Council Member Young: Yes.

Mr. Haywood: I'm not aware of it.

Council Member Young: Right now, is the City working with you as far as trying to determine whether or not there is capacity to go through the Meadow Lakes?

Mr. Haywood: Yes, in fact I've had phone conversations with Mr. Griffith. He's been very

accommodating. He's even forward me a copy of the district maps which is a great starting point. He also hopes to get more precise numbers from the engineering firm that designed the trunk.

Council Member Young: Is he in the process of getting those numbers right now?

Mr. Haywood: I understand that to be the case, yes.

Council Member Young: It's my understanding that you've waited approximately three years for this project.

Mr. Haywood: Approximately, yes.

Council Member Young: Would it hurt to wait two more weeks if we postpone this matter which is the motion on the floor?

Mr. Haywood: I think we're striving to have that question answered. How much capacity is available and our request is that we received preliminary approval so we can move to the next step and solve these engineering issues and prepare adequate construction drawings and final platting that agree with the results of these studies.

Council Member Young: Would it hurt to wait two more weeks?

Mr. Haywood: It certainly wouldn't hurt but, that's not what we're here to ask for.

Council Member Buescher: Mr. President, in waiting two weeks, I think Mr. Haywood has already expressed that it might take a couple of months for him to do all the work necessary and so he may not have that available for us in two weeks. I believe that this tie in is supposed to only be temporary until a line runs along Case Road at which time the agreement would be that Mr. Marsico would tie into that line. For that reason, I think that we should allow them to go ahead. They are talking about a huge expense with having our Engineer having to look over this study and they will not be able to proceed if it doesn't work out, that the capacity that the line can hold that capacity. I think that, really, we've been holding this man up for so long and the last administration, I have to say that this administration is really working to accommodate him and that did not happen in the last three years and I don't think we should hold him up any longer. Thank you.

Council Member Olesen: What would be the time frame for your construction on this project? It has a bearing on the sewer. Is it like a year, two years, three years?

Mr. Haywood: Our goal is to have it as a 2004 project.

Council Member Olesen: Completed?

Mr. Haywood: By completed, do you mean having . . .

Council Member Olesen: All the homes up.

Mr. Haywood: No. It would be necessary to have the infrastructure in place. When will the homes be built?

Council Member Olesen: Yes, that's what I'm asking.

Mr. Haywood: It would be immediately thereafter. There's several steps involved in the approval process and this is the first one. You want to start construction late summer, early fall at the latest so you can get the road paved before winter hits us.

Council Member Olesen: I haven't heard anybody say they are against this project. They are concerned of giving an approval to a project that may not be fitting as far as the sewers are

concerned, that you're going to tie into. I think that's why Council has recommended postponement so that we can get a better handle on the number of homes that you can successfully include to tap into that Meadow Lake sewer. That's the big issue here and I think that's what Council is worried about.

Council Member Butkowski: Mr. Chairman, this preliminary plan is only a preliminary plan at anytime. It could be stopped and that would be the end of it. We aren't giving final approval on it so we don't have to worry at this point. If they don't come up with that, it ends. This has been approved by the Planning Commission while Mr. Olesen and Mr. Gillock were sitting on that on June 12 of 2001. According to my minutes, they did talk about the sewer and were not able to get enough people to sign up for it at that time. It seems to me that Mr. Marsico has agreed to pay for any sewer in the future that would pass his Case Road development. The only thing that I would request is that he post a bond to the City that when that does go through, the money is there to put that sewer in and that would assure the City that it would be paid for. It would be easy enough for him to do that. I don't see any problem if that sewer that he wants to tap into doesn't have a capacity for and wasn't built to put in 49 more homes, then I don't think it was engineered correctly because I certainly hope that we aren't running our sewers to that close of tolerance to capacity or we're going to have a lot more flooding than we've ever had before. I don't really see why there would be any problems with putting 49 more homes in on a temporary basis.

Council Member Jaenke: Mr. President, I believe that Mr. Young has raised some good questions and I think it would be appropriate to wait two weeks or until our next meeting. The issue with the calculations, I think there's two different opinions from engineering outfits so, I really think we should have more data before we take action on this. The other issue is, eventually we'll have the sewer down Case Road and will the developer then, at that point in time, agree to pay his fair share if he ties into Case Road. I haven't seen any agreement that would indicate that he would do so. There's a lot of loose ends here and I really think waiting two weeks is not going to be a major problem.

Council Member Swindig: Mr. Chairman, we've gone through tremendous flooding of basements and we've made tremendous leaps and bounds to keep basements from flooding. We could go two ways. We can turn him down now by overriding Planning Commission or we wait the two weeks to get some figures so we know what we're working with.

President Arndt: For the Chair's clarification, we've heard the term, two weeks, two months and two this and that. For the sake of clarification, the original motion that was on the floor was to postpone.

Council Member Young: The original motion was to approve by Mrs. Buescher and seconded by Mr. Olesen. Then Mr. Jaenke moved to postpone for two weeks until the next meeting which was seconded by Mr. Young.

President Arndt: Before we make a decision, the Chair is looking for some clarification that the request to postpone is to give the Engineers the opportunity to do their calculations and to verify that the calculations, to my understanding have already been done, there are simply some comparisons that need to be made. Is there any other discussion relative to what I just explained?

I put the motion out there for a vote. We have a motion by Mr. Jaenke and a second by Mr. Young to postpone the Planning Commission action on the Marsico property. Is there any further discussion?

Council Member Butkowski: Mr. Chairman, is that postponement for two weeks?

President Arndt: The postponement is, to my understanding, correct me if I did not state this, until the next Council meeting.

Council Member Olesen: Mr. President, what are we going to know in two weeks that we don't know now?

President Arndt: My understanding, and Mr. Mayor, if you have any insight to share with us on this, it is for us to have a clear understanding of what these capacity's calculations truly are.

Mayor Gillock: Correct. Capacity and the sewer line running through Meadow Lakes and the capacity in the westerly sewer from Meadow Lakes north.

President Arndt: My question is, by our next Council meeting, is it realistic to presume that we will have those kinds of calculations done and before us?

Mayor Gillock: I believe so. This is simple math calculations which was basically done two years ago but, as Mr. Haywood said, we need to bring it up to current dates and plug in the right figures.

President Arndt: I would ask Mr. Haywood and our Engineer if that would be a reasonable request or expectation as between now and our next Council meeting, two weeks, that those calculations can be brought current for the benefit of Council. Mrs. Buescher?

Council Member Buescher: We can always postpone another two weeks.

Mr. Haywood: I will strive to do so and I would ask continue cooperation from Mr. Griffith. I see no reason why we can't get a little help to uncover the analysis as we've done before. We will confirm the design of the westerly trunk sewer.

President Arndt: Again, Mr. Haywood, and also for the benefit of Mr. Marsico, I think Mr. Olesen stated it very appropriately that we have not heard anybody in opposition to this as much as it is to gain some clarification as Mr. Swindig said, to do whatever we can to make certain that flooding is not an issue, if we can give ourselves a couple of weeks to do those calculations. The motion is still on the floor to postpone the approval of the Planning Commission on the Marsico property. Is there any discussion? There being none, all those in favor of postponing until our next Council meeting, signify by yes. All those opposed by no. Any abstentions? Will the Clerk please take roll.

Yes, 6 No, 1 (Buescher)

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

President Arndt: My request is charged to our Engineering Department and you, Mr. Haywood, is to work diligently to come to some clarification on those calculations, please. We appreciate your feedback and your insights. Mrs. Buescher?

Council Member Buescher: Mr. President, may I just say that this project is 1.6 units per acre in R-1 which is something we haven't seen for a long time so, I think that it's going to be a very nice project and Mr. Marsico has a very good reputation as a builder and developer so, I think this will be in our favor for the City.

President Arndt: Thank you, Mr. Haywood.

COUNCIL COMMITTEE REPORTS:

Clerk of Council Norris:

1) **BUILDINGS & LANDS COMMITTEE REPORT #4227** Members of Council: We have considered the matter of T 2-2004, an ordinance amending Chapter 1286, Signs and recommend that this request be substituted with the attached T 2-2004 REVISED.

Signed: Chairperson Richard Jaenke and Members Robert W. Olesen and Andy Young.
moved by Jaenke, seconded by Olesen to accept Buildings & Lands Committee Report #2247

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

Yes, 7 No, 0

CORRESPONDENCE:

Clerk of Council Norris: Correspondence before Council this evening, six items.

1) Received from the Lorain County Board of Elections the Certificate of Result of Election on levying a replacement tax for the purpose of providing for ambulance service and to operate the same. For the tax levy: 4,090. Against the tax levy: 2,063.

2) Received from the Lorain County Board of Elections the Certificate of Result of Election on levying a replacement tax for the purpose of current expenses including construction and operation of a branch library. For the tax levy: 2,679. Against the tax levy: 3,459.

3) Received notice of Class Action in the Circuit Court, Third Judicial Circuit, Madison County, Illinois. Smith, Allen, Mendenhall, Emons & Selby, a Partnership, and H. Carl Runge, Jr., P.C., a Professional Corporation, Plaintiffs, versus The Thomson Corporation, a Corporation; West Group, a Division of the Thomson Corporation; West Publishing, a Corporation; and the Thomson Legal Publishing Company, a Corporation, Defendants. No. 99-L-120. Relating to CD-ROM subscription services to defendants' CD-ROM libraries.

4) Received a letter from Comcast announcing their implementation of changes to certain digital able packages.

5) Received a memo from Law Director Andrew Crites informing Council that an agreement was reached with the final property owner, Ms. Kenney for the purchase of her easement.

6) Received a memo from the Law Department regarding recent codification of Section 660.13(a)(2).

President Arndt: Under correspondence number six, I wonder if it is appropriate for a motion to request that the Mayor appoint an officer who would designate an officer who would designate the no smoking areas or is that already being handled internally?

Mayor Gillock: We'll look into that.

NEW BUSINESS:

Request for a D1 liquor permit transfer from Donatos Pizzeria Corp, DBA Donatos Pizza, 33701 Center Ridge Road to Donatos Pizzeria LLC, DBA Donators Pizza, same address.

President Arndt: The Chair REFERS THIS TO BUILDINGS & LANDS. Mr. Olesen, tonight, has some new business that he would like to share with Council.

Council Member Olesen: Thank you, Mr. President. The North Ridgeville Seniors asked me to remind everyone that their spaghetti dinner is this Friday, April 30th from 5:00 to 7:00 P.M. Adults six dollars, senior's five, and children under ten, four dollars. If you haven't been to one of these, I can tell you, it's a good dinner. You'll like it. There are carry-outs available also. I urge you, if you haven't been there, try it. It's good.

President Arndt: Thank you, Mr. Olesen. Are there any other new business to come before Council tonight.

AUDIENCE PARTICIPATION (Lobby):

President Arndt: We now move to our lobby, audience participation. 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 for follow up. You're welcomed and invited to approach the podium at this time. However, please state your name and address, clearly, and limit your comments to three minutes. The lobby is now open.

1) Ronald Siemientkowski, advocate for SAFE Dream House stated that his topic is a public records request. Requested names of any and all contractors that installed any and all storm sewers at 33975 Gloria Avenue. Requested dates of all storm sewer installations relating to 33975 Gloria Avenue. Requested special reports for any and all storm sewers related to 33975 Gloria Avenue and the names of any and all inspectors approving the storm sewers or supply any and all special reports approving the sump discharge pipe connection to any or all storm sewers at 33975 Gloria Avenue. Requested a copy of a performance bond and or insurance for R.J. Gilgenbach Company Incorporated as it relates to work performed at 33975 Gloria Avenue. Requested a copy of performance bond or insurance for Remon Corp., All-Purpose Construction, Moreland Homes, Es-Real, Dettore Group as it relates to 33975 Gloria Avenue. Requested to deliver his list to whoever would be handling the request.

Law Director Crites: You could deliver it to us but, is that the same request that you mailed to the City via the Law Department.

Mr. Siemientkowski: This is basically the same request we've been looking for. Did you see the answers that we received? It seems like. . .

Law Director Crites: Have you received the response from the Law Department? I did work on this with our Assistant Law Director. Did you see the responses?

Mr. Siemientkowski: Did you see the answers that you gave us?

Law Director Crites: Yes.

Mr. Siemientkowski: That's why I'm asking you publicly. What don't you understand what we're asking here.

Law Director Crites: I don't think now would be the appropriate time for us to go through what we can't. . .

Mr. Siemientkowski: I think now is probably a real good time because when

Law Director Crites: I appreciate your opinion but

Mr. Siemientkowski: We would like answers.

Law Director Crites: I will be happy to meet with you in our Law Department and go over what you do and don't believe was complied with. We have answered it and took some time taking a look at it within the parameters what the law dictates that we must and I stand by that. If you have trouble with that, I will be happy to meet with you first in our Law Department, go over it with you so you can then, on our time and not Council's and the rest of the City's time go over why you don't think it's complied with.

Mr. Siemientkowski: If you can get with me between now and next Council meeting (inaudible).

President Arndt: Thank you, Mr. Siemientkowski.

2) Sarah Siemientkowski, advocate for a SAFE Dream House spoke on the true hazards of sewage.

President Arndt: Thank you, Mrs. Siemientkowski. Anyone else in the audience care to participate or comment tonight? Our lobby is closed and we move to recess.

RECESS from 8:40 P.M. to 8:50 P.M.

ORDINANCES AND RESOLUTIONS:

President Arndt: The Chair calls our meeting back to order. We find ourselves at ordinances and resolutions and the Chair requests that the Clerk begin to read our ordinances and resolutions submittals.

• **Ordinances & Resolution Submittals**

Clerk of Council Norris:

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.

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.

Council Member Young: Mr. President, would now be the time to discuss this?

President Arndt: Yes.

Council Member Young: I just had a couple of questions. How old is the Mills Creek Lane water line that needs to be replaced?

Council Member Olesen: I can answer that, Mr President.

President Arndt: Okay, Mr. Olesen. Either Mr. Olesen or we'll defer to our Engineer. Mr. Olesen?

Council Member Olesen: Those homes were built in the 70's and there was some discussion about the type of materials that were used. We got a lot of imported stuff back then, being sold at a low cost and some of the lines are breaking. I think the materials are bad and I think that Larry can, probably, add a little more expertise to that. They're old and there's been constant trouble in that area with the water line breaks, constant.

Engineer Griffith: I would like to second that comment. It's not so much the age as it is the materials that was used. The materials that were used, for a lack of a better word, inferior and it just continuously breaks all the time. It just needs to be replaced.

Council Member Young: Is it clay?

Engineer Griffith: No.

Council Member Young: It's not schedule 80?

Engineer Griffith: No. It's a form of asbestos cement. But, it was a very poor quality.

Council Member Young: Does our Codes prevent this from happening? Because, 20 years down the road I don't want to see Richfield or some other development needing water line replacements at the taxpayers expense of 380,000 dollars.

Engineer Griffith: I'm sure at the time that was put in, that no one realized or knew that it was not quality pipe.

Council Member Young: I'm talking more about now. Does our Code request schedule 80 PVC which I think has a half life of a 1,000 years or something like that? Do we have any requirements or can we strengthened our codes so we don't have to revisit this issue every 25 years.

Engineer Griffith: First of all, that kind of material is not permitted any more.

Council Member Young: Schedule 80?

Engineer Griffith: No, the asbestos. The type of pipe we are requiring today, there shouldn't be that problem.

Council Member Young: What is that pipe?

Engineer Griffith: Most of it is A700.

Council Member Young: PVC?

Engineer Griffith: It's a composite material.

Council Member Young: So, we shouldn't have 25 years down the road any of the new developments going in, this issue that we're dealing with here.

Engineer Griffith: That's correct, assuming quality control. You can't guarantee anything forever.

Council Member Young: Is there anything we can do to strengthen our codes?

Engineer Griffith: What we have now, it should be plenty.

Council Member Young: Okay, I'm satisfied.

Clerk of Council Norris:

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.

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

T 54-2004 A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF NORTH 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.

T 55-2004 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.
 moved by Mayor Gillock, seconded by Swindig to give T 55-2004 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

• **First Readings**

Clerk of Council Norris:

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

First Reading

Council Member Young: Mr. President, I move that we suspend the By-Laws to dispense with second and third readings.

President Arndt: Is this on T 56?

Council Member Young: Yes and the reason is so that we can make sure that our Building Codes are up to date across the board so we don't have bad water lines, bad sewers or anything else like that. We can get this pushed through to keep things up to date.

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

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

Yes, 7 No, 0

moved by Young, seconded by Olesen to adopt

moved by Young, seconded by Jaenke to add the emergency.

Council Member Swindig: Mr. Chairman, I have a question for the Law Director. Being that we're changing the Code, do we not have to have a Public Hearing?

Law Director Crites: Because it is a Building Code ordinance that's being changed, absolutely. You have to have notice posted within 10 days of adoption and you have to have, a memo went out on the same subject today. It has to be given notice in a newspaper of general publication or currency once a week for two weeks. I'm assuming, because of your inquiry, that probably hasn't yet happened. Because of that, we can't adopt it and pass it.

Council Member Buescher: Mr. President, wouldn't that also mean that we have to go through the three readings and not suspend any of the readings?

Law Director Crites: Mr. President, I wrote the memo today. I'm happy to have that answer. The answer is no, we don't have to do the three readings. There's no requirement for the three readings, just the notice requirement.

Council Member Butkowski: Mr. President, we do have a Public Hearing scheduled for May 3rd for this ordinance, T 56.

Council Member Young: Mr. President, I withdraw my motion and we'll adopt and pass it through with the emergency on May 3, 2004.

President Arndt: Mr. Jaenke, do you withdraw your second.

Council Member Jaenke: Yes, sir.

Clerk of Council Norris:

T 55-2004 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

1005-2004 First Reading

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

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

Mayor Gillock: As much as we hate these expenditure of funds, the Auditor can testify, once you get these, we only have 30 days to pass these or we're in violation of the Ohio Revised Code. That's why I asked to dispense with second and third.

President Arndt: Thank you. Is there any other discussion? All those in favor of dispensing with our second and third readings on T 55 tonight signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

 moved by Swindig, seconded by Butkowski to adopt T 55

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 55 becomes permanent resolution number 1005-2004.
 Permanent Resolution Number 1005-2004

• **Second Readings**

T 41-2004 AN ORDINANCE AMENDING CHAPTER 282, TAX ABATEMENT REVIEW
4012-2004 BOARD.

Mayor Gillock: Mr. President, the Assistant Council Clerk, the tape broke and she didn't have the minutes and she wasn't here, this one got confused. This actually received first reading and second and third readings were dispensed with at the last meeting. Mr. Young then asked that we postponed until this meeting so he and I could discuss some questions he had. Those have been resolved and I would like to make a motion that this be adopted at this time.

 moved by Mayor Gillock, seconded by Young to adopt

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 41 is adopted and becomes permanent ordinance 4012-2004
 Permanent Ordinance No. 4012-2004

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

T 45-2004 A RESOLUTION REQUESTING THAT THE COUNTY AUDITOR,
 PURSUANT TO OHIO REVISED CODE SECTION 5705.03, CERTIFY TO
 THE CITY OF NORTH RIDGEVILLE THE TOTAL CURRENT TAX
 VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE
 THAT WOULD BE GENERATED BY TWO (2) MILLS, FOR THE PURPOSE
 OF A RENEWAL LEVY FOR THE GENERAL CONSTRUCTION,
 RECONSTRUCTION, RESURFACING AND REPAIR OF STREETS, ROADS
 AND BRIDGES WITHIN THE CITY OF NORTH RIDGEVILLE, OHIO.
 Second Reading

Mayor Gillock: Mr. President, earlier under new ordinances, you had ordinance T 50-2004, at the request of the Auditor, after T 45 was introduced which is the request in regards to the renewal of

the street levy. That ordinance was forward to Squire, Sanders and Dempsey, our consultants on ballot issues to review this. I ask that we replace T 45 with T 50, and this has been discussed with the Law Director also. I'd like to make a motion that T 45 be amended by substituting that with T 50 in it's entirety.

moved by Mayor Gillock, seconded by Young to amend T 45 by substituting it in its entirety with 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

Mayor Gillock: Now I'm really going to confuse you. Perhaps the Auditor can jump in here too. I believe we amended the wrong ordinance. I think we should of replaced 46 with T 50. T 45 is the resolution requesting that the County Auditor do the certification and T 46 is the actual resolution and I believe that is the one that should be amended by substitution. So, I would make a motion to reconsider T 45.

President Arndt: Do I hear a second?

Council Member Buescher: Second.

Mayor Gillock: Hang on, time out. On the advice of our Auditor, T 45 is okay but, we should just withdraw T 46. We only need one ordinance, T 50. Correct, Mr. Costin?

Auditor Costin: I believe that T 50 has the initial language too, at this point, eliminate, which were they?

Mayor Gillock: 45 and 46. We've already replaced 45 so, all we need to do is withdraw 46.

President Arndt: Clarification?

Auditor Costin: I believe the way I read that resolution from Squires, it will replace the necessity of 45 and 46 at this time.

moved by Mayor Gillock, seconded by Olesen to withdraw T 46.

President Arndt: Let's make certain that we are clear on exactly what we're voting for here.

Mr. Gillock has made a motion and it was seconded by Mr. Olesen to withdraw T 46 tonight. Do I have that correct? Alright. Is there any further discussion? There being none, all those in favor of withdrawing T 46, signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

President Arndt: How well have we clarified T 45, T 46 and T 50?

Auditor Costin: What you have in existence right now is simply T 50, that now awaits your passage.

Council Member Swindig: Mr. Swindig, can we give T 50 a first reading by amendment because it was by substitution?

President Arndt: So, you're making a motion.

Council Member Swindig: That we read T 50 into the minutes for its first reading.

Council Member Buescher: Mr. President, are we assigning that resolution number 1006, T 50?

Council Member Swindig: We have to vote for acceptance first.

President Arndt: Right, it hasn't been accepted yet. Mr. Costin?

Auditor Costin: I believe you did that already. I believe you voted that T 45 be substituted by T

50 in its entirety.

President Arndt: That is correct.

Auditor Costin: Then the second motion was to eliminate T 46 from your records so, all you have left now is T 50.

Council Member Swindig: Right and I want to give T 50 its first reading.

Auditor Costin: I would defer to the Law Director but, I believe it's on its second right now.

Council Member Swindig: If its on the second, I make the motion to suspend second and third readings

Council Member Young: Second

President Arndt: Let me just double check with our Law Director.

Law Director Crites: Actually, this took place at a much different way which I had planned was going to take place. Originally 50 and 46 were both going to be filed concurrently. That way we were just going to knock out the duplicate and for the sake of discussion why there's two here is by accident. Our department generated a mirroring ordinance unaware of the fact and, happy about, that it went to Squires. Be it as it may, for the sake of discussion, I don't want to slow the progress of what is a very necessary thing because I don't know the answer. I'd throw it open to the floor. My only concern is, because 50 wasn't filed under the cloture deadline and we've simply amended 45 with 50 by substitution, do we have any problem in going forward and voting or waiving readings on it?

Council Member Butkowski: Mr. President, there's no reason that this has to go through tonight. Let's just let it go until next week. This will be on the November ballot so, we have enough time to get it. Let's be sure what we're doing before we go ahead.

Law Director Crites: As long as Council's okay with that, that would be my preference because, I'm concerned about, I don't know who or how but, I'm concerned about any potential challenged because 50 actually, technically wasn't filed under cloture deadline which I'll state for the record was my idea.

Council Member Buescher: Should I move to postpone? Move to postponed or do we have to. .

President Arndt: There's nothing on the floor at this particular point.

Council Member Young: Mr. President, I asked the Law Director to look into the fact that I think that we can suspend all these By-Laws to get rid of the cloture deadline and bring this in hear. But, I definitely agree to CYA and wait two weeks.

President Arndt: Thank you, Mrs. Butkowski. That's a great recommendation. Let it ride as is. It's had its reading.

Council Member Swindig: I'll withdraw my motion.

Council Member Young: I'll withdrawn my second.

President Arndt: Dr. Norris, would you continue on, please.

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

• **Third Readings**

- T 31-2004 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED 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.

President Arndt: Since we can't adopt this without a Public Hearing, the Chair would like to postpone the third reading.

Clerk of Council Norris:

- T 11-2004 AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1228.01,
4013-2004 DUTIES OF CITY ENGINEER; CONSTRUCTION SPECIFICATIONS AND REGULATIONS.

Third Reading

moved by Swindig, seconded by Young to adopt

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

Yes, 7 No, 0

Clerk of Council Norris: Permanent ordinance number 4013-2004
Permanent Ordinance No., 4013-2004

- T 12-2004 AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1474.09,
4014-2004 DETENTION PONDS.

Third Reading

moved by Swindig, seconded by Butkowski to adopt

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

Yes, 7 No, 0

Clerk of Council Norris: T 12 is adopted becoming permanent ordinance 4014-2004.
Permanent Ordinance No. 4014-2004

- T 13-2004 AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1474.07,
4015-2004 COMPUTATION OF STORM WATER RUNOFF.

Third Reading

moved by Olesen, seconded by Butkowski to adopt

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

Yes, 7 No, 0

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING APRIL 19, 2004**

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Clerk of Council Norris: T 13 is adopted becoming permanent ordinance 4015-2004.
Permanent Ordinance No. 4015-2004

President Arndt: Is there any old business to come before Council tonight? There being none, will the Clerk please read our upcoming meeting announcements.

UPCOMING COMMITTEE MEETING ANNOUNCEMENTS:

Clerk of Council Norris: ext Regular Council Meeting Monday, May 3, 2004 at 7:30 P.M. in Council Chambers

Public Hearing to be held Monday, May 3, 2004 at 7:20 P.M. regarding T 56-2004, an ordinance repealing and replacing Chapter 1420, Ohio Basic Building Code with the most recent version of the Ohio Building Code.

Public Hearing to be held Monday, May 3, 2004 at 7:25 P.M. regarding T 31-2004, re-zone property east of 32991 Lorain Road from B-4 to SDD and owned by Mould Development, LLC

President Arndt: Thank you, Mr. Clerk. Before we adjourn tonight, the Chair would like to remind you that the third week in April, we have some important celebrations. It is National Police Week. It's Lefty Awareness Week and it is National Bubble Gum Week. So, having said that, we wish you a great third week in April and I'll accept a motion to adjourn.

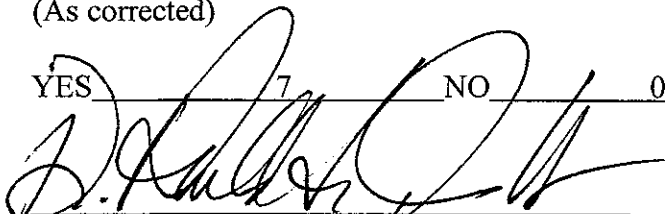
ADJOURNMENT:

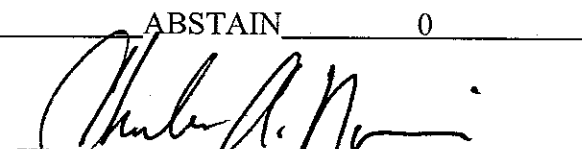
motion to adjourn by Swindig
President Arndt: Meeting adjourned.

Meeting adjourned at 9:19 P.M.

MOTION Jaenke 2ND Butkowski DATE May 3, 2004
(As corrected)

YES 7 NO 0 ABSTAIN 0


PRESIDENT OF COUNCIL DR. RONALD F. ARNDT


CLERK OF COUNCIL CHARLES A. NORRIS