

**NORTH RIDGEVILLE MUNICIPAL COUNCIL  
MINUTES OF  
REGULAR MEETING                      APRIL 18, 2005**

**CALL TO ORDER:**    7:30 P.M.

President Ronald Arndt: The Chair calls to order, our North Ridgeville Municipal City Council regular meeting dated Monday, April 18, 2005.

**INVOCATION:**            lead by President Ronald Arndt

**PLEDGE OF ALLEGIANCE:** by all.

**CALLING OF THE ROLL - ROLL CALL:**

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

President Arndt: Will the Clerk please read our minutes tonight?

**MINUTES - Corrections (if any) and Approval:**

Clerk of Council Norris: Council has before it:

Public Hearing Minutes of April 4, 2005 re: T 5-2005 REVISED

          moved by Butkowski, seconded by Jaenke to approve the public hearing minutes of April 4, 2005

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

All those opposed by no. Any abstentions?

          Yes, 7                      No, 0

Public Hearing Minutes of April 4, 2005 re: T 35-2005

          moved by Butkowski, seconded by Jaenke to approve the public hearing minutes of April 4, 2005

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

All those opposed by no. Any abstentions?

          Yes, 7                      No, 0

Public Hearing Minutes of April 4, 2005 re: T 32-2005

          moved by Butkowski, seconded by Olesen to approve the public hearing minutes of April 4, 2005

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

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All those opposed by no. Any abstentions?

Yes, 7                      No, 0

Council Minutes of regular meeting held April 4, 2005

    moved by Buescher, seconded by Jaenke to approve our Council minutes of the regular meeting held April 4, 2005

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

All those opposed by no. Any abstentions?

Yes, 7                      No, 0

Clerk of Council Norris: Council will also please note before them the:

Board of Zoning and Building Appeals Minutes of regular meeting of March 24, 2005 and  
Planning Commission Minutes of regular meeting April 12, 2005.

**MAYOR AND DIRECTORS REPORTS:**

President Arndt: We now come to the Mayor and Director's reports and the Chair invites the Mayor and the Directors the opportunity to provide Council with an oral report. We would like to begin this evening with our Mayor, Mr. Gillock.

•           **Mayor**

Mayor Gillock: Good evening and thank you, Mr. President. Council will find at their desk this evening an ordinance to purchase property on Race Road. I would like to move to suspend Council By-Laws to include this on the agenda for this evening under Ordinances & Resolutions and we can discuss it in more detail at that time.

    moved by Mayor Gillock, seconded by Butkowski to suspend By-Laws tonight to  
    introduce T 61 into our Ordinances and Resolutions 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

Mayor Gillock: I received a notice from Alltel today, that effective April 27, they will be doing away with their payment drop station on Ternes Road in Elyria. Residents will be able to pay on-line or at one of their nine other service locations. Please contact Alltel for a list of those locations.

If anyone is interested in an electric chair lift, please contact our Office of Older Adults. We have a chair lift that was used by Father Hyland, and the family would like to donate it to someone that can use it. If interested, please call Rita Price at our Office of Older Adults at 353-0856.

It's not too early to put these dates on your calendar. ~~March 14<sup>th</sup>~~ May 14<sup>th</sup> will be the annual kid's fishing derby at South Central Park. Our firefighters will be stocking the lake again this year and there are prizes for the most fish caught, the biggest caught and many other categories. You can now walk all the way around both lakes and we have raised the water level in the larger lake to improve the fish habitat. Bring the children and grandchildren and enjoy a great pastime, treats and prizes for all.

May 21 is pride Day. Look for more information on this but I believe Home Depot will be coming again this year and we will offer a shredding service to our residents. Residents will be able to bring up to two banker boxes of documents to be shredded. We will announce the location later. We are working on making our chipper available that day to help residents clean up and remove winters branches from their yards. As we get closer we will have more information on how to take advantage of both these services.

Our Utilities Department has put together a new incentive program to encourage our residents to recycle. Each month, starting in April and going through September, four residential addresses will be selected from each of the four wards. A visual inspection will be taken on Tuesday morning to see if that household participates in the recycling program. If they have at least one blue bag out for collection, they will receive a fifty dollar gift certificate or gift card to a local business. Of the 16 locations selected for that month, the household recycling the most will be included in a drawing from all of the six monthly top recyclers for a grand prize of two hundred dollars to a local business. The funds for this incentive program are from our Lorain County Recycling Grant, not the General Fund. For more information contact our Utilities Department at 353-0841. To kick off the program, tonight I have the first four winners. The winners are John Petroff, Edward Pauley, Bradley and Peggy Hart, and Michael Charvell. I want to thank these residents for participating. They each received a fifty dollar gift card to Giant Eagle. Several other businesses are also participating and we want to thank those for participating.

And finally, I would like to remind residents that if they have questions in regards to our tax levies on the ballot this May 3, we will have town meetings this week on Wednesday, April 20 and next week on Thursday, April 28 at the Library at 7:00 P.M. If you have questions please try to attend one of these sessions or call or email my office and we will try and provide you with the information you need.

Thank you and that concludes my report.

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

- **Safety-Service Director**

Safety-Service Director Johnson: Thank you, Mr. President. VFW Post 9871 replaced flags at Old Town Hall and South Central Park last week. The VFW has been helping with City flag maintenance for many years but they are now joined by The American Legion Post 802, a new chapter that formed April 14 at the Library.

The American Legion has already donated 50 new flags for display on Center Ridge and hopes to provide more in the near future.

We of course thank these two great veterans organizations for service to our country but we also thank them for service to our community.

With the improved weather, our crews will be in the roadway patching, berming and doing ditch work. Please be careful as you drive through these work areas. Also please be prepared for the increased pedestrian traffic the warmer weather brings.

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

- **Engineer**

Engineer Griffith: Thank you, Mr. President. Now that spring has arrived and everyone is getting outside again, please try these suggestions at home to help prevent storm water runoff pollution.

Use plant and lawn fertilizers sparingly, sweep it off driveways, sidewalks and roads. Fertilizers promote the growth of algae in our ditches and streams.

Never dump anything down storm drains except clean water. If you wash your car in your driveway, use soap sparingly. A better washing location would be on your lawn. The best way is to take your car to a car wash.

Vegetate or mulch bare spots in your yard to reduce soil erosion. Compost your yard waste, do not dump them into our ditches and streams. Avoid pesticides, they also kill the good insects. Check the library for alternate treatments. Direct down spouts away from paved surfaces and into lawns and planting areas.

Check car for leaks onto your driveway. The leaking materials not only look bad, they kill plant and animal life. Recycle motor oil and other petroleum items such as paint thinner.

Pick up after your pet. Not only is leaving the wastes lay look disgusting, but when the run-off reaches the ditches and streams, it adsorbs the oxygen from the water and kills life in the water.

Inspect and pump your septic tank regularly. An improperly operating septic tank can cause far more damage than pet wastes.

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

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

- **Auditor**

Auditor Costin: Thank you, Mr. Chairman.

Auditor's Written Financial Report for March 2005

      moved by Swindig, seconded by Buescher to approve the Auditor's written financial report for March 2005

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

              Yes, 7                      No, 0

President Arndt: Thank you, Mr. Costin. If our Clerk will read our other reports.

- **Other Reports**

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

Mayor's Court Operating Trust Fund/Bail Trust Fund Report for March 2005, and Building Department Report for March 2005.

Planning Commission Report of regular meeting April 12, 2005. The first applicant:

APPLICANT:                      Pulte Homes of Ohio, 30575 Bainbridge Road, #200, Solon, Ohio 44139

OWNER:                              James P. Martynowski, VP Planning & Construction, Sugar Chestnut, LLC, Forest City Land Group, Sole Member, 1050 Terminal Tower, 50 Public Square, Cleveland, OH 44113

REQUEST:                        Final Approval of Pioneer Ridge, Subdivision 3 in Waterbury PCD

LOCATION:                        Frontage along Bender Road and Adjacent to Phase 1 of Pioneer Ridge by Del-Webb in Waterbury PCD, Permanent Parcel No. 07-00-037-000-021

PC ACTION:                      Approved by a vote of five to zero

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

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

APPLICANT:                      Pulte Homes of Ohio, 30575 Bainbridge Road, #200, Solon, Ohio 44139

OWNER:                      James P. Martynowski, VP Planning & Construction, Sugar Chestnut, LLC, Forest City Land Group, Sole Member, 1050 Terminal Tower, 50 Public Square, Cleveland, OH 44113

REQUEST:                  Final Approval of Pioneer Ridge, Subdivision 4 in Waterbury PCD

LOCATION:                   Frontage along Bender Road and Adjacent to Phase 1 of Pioneer Ridge by Del-Webb in Waterbury PCD, Permanent Parcel No. 07-00-037-000-021

PC ACTION:                Approved by a vote of five to zero  
                                 moved by Olesen, seconded by Jaenke to approve the Planning Commission action

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

APPLICANT:                FJD Properties, LLC, 37000 Center Ridge Road

OWNER:                     Same

REQUEST:                  Final Approval of Subdivision 10 in Phase 4 of Meadow Lakes PCD

LOCATION:                   North of Center Ridge Road, West of Stoney Ridge Road and South of Barres Road in Meadow Lakes PCD  
                                 Permanent Parcel Nos. 07-00-033-000-032, -002, -036

PC ACTION:                Approved by a vote of five to zero  
                                 moved by Jaenke, seconded by Olesen to approve the Planning Commission action

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

APPLICANT:                John Palovsky, Crossroads Convenience, LLC c/o Giant Eagle Inc., 101 Kappa Drive, RIDC Park, Pittsburgh, PA 15238

OWNER:                     Valore Properties, Inc., 23550 Center Ridge Road, #101, Westlake, OH 44145

REQUEST:                  Construction of a six-dispenser fuel station with underground fuel tanks and a 1,111 square foot convenience store

LOCATION:                   Center Ridge Road in a B3 District  
                                 Permanent Parcel No. 07-00-017-130-010

PC ACTION:                Approved by a vote of five to zero  
                                 moved by Jaenke, seconded by Olesen to approve the Planning Commission action

President Arndt: Is there any discussion?

Council Member Butkowski: Mr. Chairman, after reading over what went on during the Planning Commission meeting, I hope that they will adhere to the Western Reserve architecture. It is stated that they would consider it and I certainly hope that they do because we are trying to keep

all these businesses on Center Ridge. Some of the stores in that area haven't kept up. If we could just ensure that they are all going to be Western Reserve, it could make it look like a lot nicer area especially abutting against the homes and the wooded area back in there. It certainly would look a lot better.

Council Member Young: I was going to say pretty much exactly the same thing that Bernie Butkowski did. In reviewing the Planning Commission minutes, it didn't look as though Planning Commission actually required this company to do the Western Reserve style. I would just like to remind those individuals on Council that also serve on Planning Commission to be a little more vigilant about making sure that we get concessions from the developers, when we want something to make sure that they actually do it. The way the minutes read, it seems as though it was left up in the air and it was just being considered. If Mr. Jaenke has something more to add, I would appreciate it.

President Arndt: The Chair would request some comments by Mr. Jaenke.

Council Member Jaenke: I agree with Mr. Young. One of the things that we should consider, is that we have communities around us that have ordinances that regulate the construction and types of buildings that are being built. If we look at Avon Lake and Westlake, we'll find that they do have ordinances that require certain building styles within certain locations. One of the things that I will be doing is talking with our Law Director about having him research these other communities and drafting some legislation so that we can finally get something moving along these lines.

Law Director Crites: Is this in a B-3 Architectural district?

Council Member Buescher: No, it is B-5 Architectural district. To add to this, we have asked businesses to comply and some of them recently have been using that line of architecture and the Planning Commission does have more power to try to persuade the developers to do that. I wish that they would do that in the future.

President Arndt: Is there any other discussion?

Council Member Butkowski: I think Mr. Jaenke has hit the nail on the head. We do have to get the legislation so that we can be assured that this Planning Commission along with any future Planning Commission will adhere to that. Right now is the time because the building is going to boom now that the sewers are in. We need to get that legislation soon so that we don't have a real mess on Center Ridge.

President Arndt: Mr. Young, did you have any final comments.

Council Member Young: I would just like to request the Law Director to possibly draft some legislation for us to begin reviewing within the Committees right away.

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

Yes, 7                      No, 0

APPLICANT:                      Valore Properties, Inc., Valore Builders, Inc., 23550 Center Ridge Road,  
Westlake, OH 44145

OWNER:                      Same  
REQUEST:                  Preliminary plan approval for single family detached and cluster  
                                 development to be known as Hampton Place Subdivision  
LOCATION:                  Vacant lots west of Avon Belden Road, east of Stoney Ridge Road, north  
                                 of Center Ridge Road and South of Mills Road in an R1 District  
                                 Permanent Parcel Nos. 07-00-029-000-003, -004, -005, -006, -068, -074, -  
                                 075, -076, -081  
PC ACTION:              Approved by a vote of five to zero

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

President Arndt: Is there any discussion?

Council Member Butkowski: Mr. Chairman, this is a large development and I'm concerned about the sewer in this area. I was reading the minutes from Planning Commission and it seems like this could be a real bottle neck on our sewers if we don't get a good plan before they start. I hope that the Engineer will be working with these people along with the property owners in that area, so that down the line we don't have some people that can't get a sewer or where we will have to redo the sewer lines in order for them to operate in the most efficient manner possible. The lift stations cost everybody too much money. If we can keep a flow going without lift stations and if we make a good plan before any of this gets started, we will have a lot better system than if we are just hodge-podging it.

Council Member Jaenke: I agree with those comments. After the meeting, I had a chance to talk with Mr. Valore. He came up with an idea that he stated he would review with the Engineer.

President Arndt: Mr. Griffith, any comments that you would have to share at this juncture?

Engineer Griffith: Just that I agree with the comments that are being made and that we have to be very careful on how this comes about.

Council Member Young: I, too, am very concerned about sewers in this area. The way these developments work is we approve a preliminary plan first and then we approve the final plan. I've in the past said, that I am hesitant to approve a final plan if the developer doesn't work with the City in order to help solve some of these issues; in particular, this sewage issue. Here we have the preliminary plan before us and we have all discussed in Committee, that maybe we should be more hesitant at the preliminary plan phase, or at least make our concerns loud and clear to the developer at the preliminary plan phase. I would like to ask the Engineer to maybe issue a letter to Valore Properties in order to make sure that these concerns are addressed where we don't run into a situation where there is one resident without any ability to ever tap into a sewer.

President Arndt: Any other comments?

Council Member Buescher: It has been recommended by the new City Planner that we have more information when we approve the preliminary plan instead of waiting until the final because you are giving the developer the impression that he can go forward. Then if things don't work out, you are preventing him, when the final does come before us, which isn't fair to the developer. I'm not so sure if we should go forward with this unless we have a little more information on that

sewer project.

Mayor Gillock: We have specific regulations about what has to be provided during the preliminary. We have had discussions about this before in that, if we turn something down in a preliminary situation, because they didn't provide something that we didn't ask for, would not be kosher. I would defer to the Law Director to address this issue.

Law Director Crites: Correct. There is a couple issues I would like to comment on this specific situation. First, let's do keep in mind that this is just preliminary. At the preliminary stage, the risk is not on the City. The risk here is on the developer, who's coming in and will be spending a lot of money and time between the preliminary stage and the final stage, trying to put together a plan that will float with the City and if it doesn't in this instance specifically, if Mr. Griffith's Department doesn't sign off on the ability of him to get sufficient sewer capacity, he is out all that money. So, the risk is on the developer at this stage at the preliminary level. I would also comment that this one developer took the unusual step to come to the Administration. The Mayor and I met with this developer at their request along with his engineer and counsel and that was the sole subject of discussion. That was to also make them aware of the potential problem that they would have and the fact that they would have the risk upon them to get the sanitary sewer service. This developer has come forward to put forth his own investment, ie; the money to bring the capacity that was needed, whereas we are use to developers coming to the City saying that they own this land and why doesn't the City run a sewer to it so that they could get rich. This was refreshing to see that this was not this guy's approach. In short, the point is, is that the City is protected and not exposed and at this stage on a preliminary level, we aren't exposed. The only entity that holds the risk here would be the developer and I think that this developer realizes that.

Council Member Buescher: I know that the owners of the neighboring properties were concerned and after your explanation and taking all that into consideration, I will vote yes on this.

Council Member Young: Yes, I too will vote yes but I hesitate in doing so. I'd like to ask the Mayor and possibly the Law Director and Engineer to have additional conversations with Mr. Valore and let them know that Council is extremely concerned about this and if that could be done in writing, it would be greatly appreciated. This way, when Valore Properties comes to us with final approval and have not cooperated with the City, which doesn't sound like that is going to be an issue here, we can say that we gave every opportunity early on in the process to correct the problems and correct the problems appropriately.

Law Director Crites: In response to Mr. Young, I say that is a good idea and I would be happy to go through with that, in order to keep a paper trail. I also will reiterate that I actually spoke to his counsel this afternoon about the matter, who is very concerned and also asked if he should be here. However, his engineer is sitting in the audience today and they are concerned.

Council Member Butkowski: Mr. Chairman, maybe, for future developments, we should look over what is required in a preliminary plan and see that some of these concerns are taken care of in the preliminary plans so that we aren't having all these discussions and concerns. We will know that this has already been addressed and solved within the preliminary area. Basically, we

have to know how the sewers are going to get to the plan. It doesn't have to be drawn out to how it's going to go into their area, but we should definitely know that there will be sufficient sewage for this area to be developed. I would think that should be at the preliminary stage and maybe that should be one of the requirements in the preliminary plan, so we don't have to worry about this.

Mayor Gillock: We have been in discussions and we agree that we recognize the concern and the potential problems. We have met a couple times and as the Law Director said, he has also had phone conversations. This is something that we are watching very closely. We also have to be absolutely clear that this is rightfully and appropriately part of the final approval and not the preliminary. In the preliminary, we do not require that information. We do not require the developer to produce the blue prints that would give us that information, which is quite costly, in the preliminary stage. It is not in our ordinances. It's appropriately part of the final. They come in for the preliminary explaining that this is the project that they would like to do and ask if we foresee any problems. We review that and then they proceed with all the necessary drawings, utilities, landscaping, etc and come back again for that final approval. As the Law Director said, they are at risk at this point and that is information that we have never asked for and rightfully we can't as it is not in our ordinances.

Engineer Griffith: I would just like to point out that the purpose of a preliminary plan is exactly what is going on here now and that is to point out any problems that may come up so a discussion can take place and a resolution may be made of those problems. I don't know how else you would do it unless you had a preliminary to the preliminary plan. This is what the preliminary plan is for.

President Arndt: Thank you.

Council Member Olesen: Before we really beat this thing to death, we have to get back to the magic words, preliminary plan. We have been through this countless times, where we beat this stuff to death. We are still going to see this again. Planning Commission still gets to see it again. Engineering and the Building Departments still get to see it again. We can't resolve this at this session. We have to wait and see what Valore Builders bring back to us.

Council Member Buescher: I would just like to add though, that it is very important that we bring these issues out on the floor and there is nothing wrong with that. It is very healthy for us to do that.

Council Member Young: I would just like to ask, that with the letter you send, if a copy of tonight's minutes are also sent along so that we keep the paper trail going.

Law Director Crites: I can count on Paula Cope to come through for me on that.

Council Member Butkowski: My only thing was that I thought maybe we could have another requirement when they present the preliminary plans, if they are sure that they have a plan of the sewer to the property. Not in the property, but that they have the capacity for the sewer to the property. If that requirement had been in there, that problem would have already been solved.

President Arndt: Thank you. The Chair calls the question. We have a motion on the floor by Mr. Jaenke and a second by Mr. Olesen to approve the Planning Commission action for the

Preliminary Plan approval of the Hampton Place Subdivision. All those in favor, signify by yes.  
All those opposed by no. Any abstentions?

Yes, 7                      No, 0

APPLICANT:                      Tony DiBenedetto, Sparky Development, LTD, 26697 Brookpark Road  
Extension, North Olmsted, OH 44070

OWNER:                              Same

REQUEST:                        Change of Zoning Classification from B-2 and I-2 to B-3

LOCATION:                        38891 Center Ridge Road in a B-2 and I-2 District  
Permanent Parcel No. 07-010-046-108-017, 07-010-046-108-018,  
07-010-046-108-030, 07-010-046-108-034, 07-010-046-108-043,  
07-010-046-108-044, 07-010-046-108-046, 07-010-046-108-047

PC ACTION:                      Approved by a vote of five to zero

                                         moved by Jaenke, seconded by Olesen to approve the Planning Commission action  
President Arndt: Is there any discussion?

Council Member Butkowski: It's great to see that this area can be recycled and live again.

Mayor Gillock: Just for the lobby and audience's clarification, this is the rezoning of the old  
shopping center on the west end of the community to allow redevelopment of that site.

President Arndt: For those of you in the audience, that area is the old Ridgeview Shopping  
Center right across from Case Road where the McDonald's used to be and the Bowling Alley is.  
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: Dr. Norris, if you will please read our Council Committee Reports.

**COUNCIL COMMITTEE REPORTS:**

Clerk of Council Norris: Council Committee reports this evening include:

1) UTILITIES COMMITTEE REPORT #5559 Members of Council: We have considered  
the matter of T 30-2004, an ordinance amending NRCO 1462.04, Cellular Communications  
Systems, Location/Siting of Facilities, and recommend that Section one be amended to read as  
follows:

Section 1. Section 1462.04(b)(3)(B) shall be amended to add: Where wireless  
telecommunications are located within a residential area, the setback shall be 750 feet, from any  
residence within the residential area.

                                         And recommend that this request be approved and T 30-2005 be revised and presented to  
Council

Signed: Chairperson Andy Young, Members Bernadine Butkowski and Nancy J. Buescher.  
                                         moved by Buescher, seconded by Butkowski to accept the Utilities Committee  
Report #5559

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

2)        BUILDINGS & LANDS COMMITTEE REPORT #5560 Members of Council: We have considered the matter of T 36-2005, an ordinance amending North Ridgeville Codified Ordinance Chapter 1228, Improvements, by amending Section 1228.01(f) and Appendix II and recommend that this ordinance be adopted as presented.

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

            moved by Buescher, seconded by Jaenke to accept the Buildings & Lands Committee Report #5560

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

3)        BUILDINGS & LANDS COMMITTEE #5561 Members of Council: We have considered the matter of parking on front yard and recommend that this request be approved and request the Building Department to actively enforce the parking ordinance.

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

            moved by Jaenke, seconded by Young to accept the Buildings & Lands Committee Report #5561

President Arndt: Is there any discussion?

Council Member Young: We received an anonymous request to ask the Building Department to enforce the parking ban on the front yards or front grass. Per that individual's anonymous request, the Building and Lands Committee did review this matter. We do have an ordinance on the books and we've asked the Building Department to be a little more vigilant about that as well. This is in regard to Main Avenue in particular.

President Arndt: 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: We now come to our correspondence and if Dr. Norris would please read the first of four.

**CORRESPONDENCE:**

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

1)        Received a letter from the Government Finance Officers Association, Director of Technical Services Center, Stephen Gauthier, notifying the City that our Comprehensive Annual Financial Report for the Year 2003 qualifies for a Certificate of Achievement for Excellence in Financial Reporting which is the highest form of recognition in governmental accounting and

financial reporting. A Certificate of Achievement plaque will be shipped to Chris S. Costin, CPA, CFGM, City Auditor in about eight weeks.

President Arndt: Again, another example of the kind of work we see coming out of our Auditor's office. So, a special acknowledgment to Mr. Costin, Mrs. Kiraly and their entire team for just an incredible performance on behalf of our City. Thank you, Chris.

2) Received a memo from Council Member Andy Young giving 14 days written notice to consider a proposed By-Law amendment to replace the existing Section 20 with the following:

**SECTION 20: COMMITTEE MEETINGS**

The Chairmen of all Council committees shall schedule a regular committee meeting, one per month, on a regularly set day and time for the year. The regularly set date and time shall be by unanimous consent of all committee members. The Chairman shall notify the Clerk of Council of their regular meeting date in order to avoid any other scheduling conflicts. The Clerk of Council shall distribute and post a schedule of all regular committee meetings dates and times.

A committee may meet on a day other than its' regular scheduled meeting date. In order to do so the Chairman must consult with committee members and receive unanimous consent of a date and time. The Chairman shall notify the Clerk of Council 48 hours in advance to avoid any other scheduling conflicts.

Council Member Olesen: Mr. President. I would request this be referred to the Administrative Committee.

Council Member Young: I don't know if that is necessarily appropriate as this is a By-Law amendment. This is something that needs to be considered by the Council body as a whole as opposed to a Committee. As such, it also requires two thirds approval of the entire Council body and I don't necessarily believe that would be appropriate.

President Arndt: Yes, by virtue of the fourteen day written notice, I would concur with Mr. Young.

Council Member Olesen: If you wanted to work on this tonight. I think we have a lot to do on it. Number one, we have Committees on Council that can not meet every month. We know what Committees those are and Administration is one of them and Streets Committee is another one. We can not have monthly meetings. We don't have anything to meet about. There are other Committees that probably don't meet once a month. I just can't approve this in the form that it's in.

President Arndt: Right now we are not approving anything, this is simply correspondence. We are being put on notice by one of our Council persons of a fourteen day notice to discuss this in future meetings.

Council Member Young: I would trust that this issue will be open for debate, when it comes up in future meetings when it comes up on the agenda.

President Arndt: Absolutely. However, I have no problem if there is additional discussion as long as we keep it brief and laser like, I would entertain that.

Council Member Young: This is in response to a constituent who raised an issue of these Committee meetings being held in the early morning hours. It is difficult for residents who work to attend those meetings and in addition to that there have been two separate occasions, where different Council members were not notified of a Committee meeting when they were supposed to have been notified of a Committee meeting in the time to make those Committee meetings. Lastly, if there isn't any Committee business to hold a meeting, then there is simply no meeting at that regularly set date. This is just to inform the residents in order for the residents to participate more thoroughly in our process when we do have committee meetings that might meet their specific needs.

President Arndt: Thank you. If you will go on Dr. Norris with our third piece of correspondence.

3) Received a memorandum from the Ohio Ethics Commission reminding elected officials that the 2004 Financial Disclosure Statement Deadline is April 15, 2005.

President Arndt: We now come to New Business for the evening. If Dr. Norris will please read our New Business please.

**NEW BUSINESS:**

Clerk of Council Norris: New Business before Council this evening includes a:

Request for D1, D2 and D3 liquor permit from Zip Thru Beverage LLC, DBA Zip Thru Beverage of 6349 Jaycox Road

Council Member Buescher: Is this a new permit? With renewals or new permits, I would prefer to have a hearing if this is in a neighborhood area.

Mayor Gillock: Mr. President, I believe that this is a new one and the taxes are current at this location. I would also add, that although this appears to be a new license, this is a drive through beverage store now and has been in the past. This is not something new to the neighborhood. This is right next to where the Library used to be.

moved by Arndt, seconded by Swindig that we not request a hearing as stated on the application, so that the permit can be sent off to the state for final disposition

President Arndt: Is there any discussion? There being none, will the Clerk please take roll?

Yes, 7                      No, 0

Clerk of Council Norris: Motion is approved by a vote of seven to zero.

**AUDIENCE PARTICIPATION (Lobby):**

President Arndt: We now come to the audience participation section of our meeting tonight. Any members of our audience are invited and encouraged to address your City Council. We request, however, that you fill out the lobby form you can find in the back of the room. It enables us to contact you personally should there be a need to do so. You are now welcome and invited to approach the podium that is immediately to the right of Mrs. Buescher. However, when you approach the podium, please clearly state your name and your address and limit your comments

to three minutes. The lobby is now open.

1) Richard Bachman, I would just like to take this opportunity to inform the Administration and City Council of what a fine job the North Ridgeville Police Department did on behalf of one of my businesses. We had a shop lifter in the store. We grew suspicious. We reviewed our security tape. We clearly caught her shoplifting and when we got her license plate, it was a temporary tag from the State of Pennsylvania. They traced that tag back to a citizen of Cuyahoga County subsequently secured restitution for us and I think they did a fine job and almost above and beyond for the money that was involved. Just so you know, they are doing a great job for us and we are very thankful.

2) Bob Slovak, a long time resident of Case Road and I've lived and watched the shopping center for years and years. I just really want to thank the gentlemen that bought it that is going to do something for us to make it better.

                    moved by Arndt, seconded by Butkowski to suspend our By-Laws and forego our recess tonight

President Arndt: Is there any discussion?

Mayor Gillock: Mr. President, not that residents are not invited, but we have a lot of new ones here this evening and if you don't want to stay for the whole thing, you can walk out. You don't have to stay for the whole thing. However, you are certainly welcome to.

President Arndt: That is the Mayor's opinion as we love to have people here.

Mayor Gillock: Absolutely, we love to have them, but I don't want them to think that they are held captive.

President Arndt: All those in favor signify by yes. All those opposed by no. Any abstentions?  
                    Yes, 7                      No, 0

President Arndt: Dr. Norris will you please begin with our Ordinance and Resolution Submittals.

**ORDINANCES AND RESOLUTIONS:**

Clerk of Council Norris: Ordinance and Resolution Submittals before Council this evening include:

•                      **Ordinances & Resolution Submittals**

T 60-2005                      A RESOLUTION FOR THE PURPOSE OF ADOPTING THE 2005-2009  
                                            COMMUNITY HOUSING IMPROVEMENT STRATEGY (C.H.I.S.) FOR THE  
                                            CITY OF NORTH RIDGEVILLE, OHIO.

                    moved by Olesen, seconded by Jaenke to suspend our By-Laws tonight to give T 60 its' first reading

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

those opposed by no. Any abstentions?

Yes, 7                      No, 0

Clerk of Council Norris:

T 61-2005      AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND  
ENTER INTO CONTRACT FOR THE PURCHASE OF THE PROPERTY  
LOCATED AT 7459 RACE ROAD, NORTH RIDGEVILLE, OHIO, IN THE  
AMOUNT OF \$156,887.23.

moved by Mayor Gillock, seconded by Butkowski to suspend our By-Laws tonight to  
give T 61 its' first reading

President Arndt: Is there any discussion?

Mayor Gillock: Mr. President, at the request of the Auditor, I would make a motion to amend the  
ordinance to change "the amount of" to the "approximate amount of" rather than an exact amount  
in case we're off a few cents one way or another.

moved by Mayor Gillock, seconded by Olesen to amend T 61 to change the dollar amount  
to an approximate amount of \$156,887.00

President Arndt: Is there any further discussion?

Mayor Gillock: Mr. President, if I might explain what this is. In our sewer project going east  
from Race Road to Route 83, that sewer line will begin on Race Road at this house. This is the  
beginning point of the whole project and we have to begin there. The easement that we requested  
for this property is actually five feet from the edge of the house. This owner has had two other  
projects go through his front yard and has extremely bad experiences. In both cases things we're  
not done the way they said they would be done. In one case, an end loader backed over one of  
their vehicles and at the same time their property was for sale. They are relocating within North  
Ridgeville so, it will certainly affect the sale value of their house. In no way were they willing to  
discuss giving us an easement. They requested that we purchase the property. We looked at it  
and made the decision, based on what the amount of the easement would have been and the cost  
of going to court to take the property, that we would be a whole lot better off, financially, to buy  
the house. We will then have the access that we need which will be there for the whole project.  
We can put the sewer in and at the end of the project, sell the house. These funds are not coming  
out of the general fund. There is money in the easement portion of the project money which we  
have already set aside. Thank you.

President Arndt: Thank you, Mr. Mayor. Is there any other questions of the Mayor?

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

Yes, 7                      No, 0

President Arndt: We still have a motion on the floor by Mayor Gillock and a second by Mrs.  
Butkowski to suspend our By-Laws, tonight, to give T 61 its's first reading as amended. 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: First readings before Council tonight:

T 60-2005        A RESOLUTION FOR THE PURPOSE OF ADOPTING THE 2005-2009  
1042-2005        COMMUNITY HOUSING IMPROVEMENT STRATEGY (C.H.I.S.) FOR THE  
CITY OF NORTH RIDGEVILLE, OHIO.

First Reading

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

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

Yes, 7                      No, 0

moved by Mayor Gillock, seconded by Olesen to adopt

moved by Arndt, seconded by Butkowski to add the emergency

President Arndt: The reason for that is, Treasurer Hatmaker.....

Mayor Gillock: Mr. President, if I may? This ordinance is a pre requisite for our filing for the  
community housing improvement grant, which is a five hundred thousand dollar grant that we  
use for emergency repairs and loans to low income for housing and the pre requisite form, the  
deadline is April 26. In order to benefit our Citizens, we need to get this passed tonight so we  
can get it filed.

President Arndt: The reason for the emergency is it is a pre requisite for grants that has an April  
26 deadline. 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: in addition, we have a motion on the floor by Mayor Gillock and a second by  
Mr. Olesen, to adopt tonight, T 60 with the emergency. Is there any discussion? There being  
none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7                      No, 0

Clerk of Council Norris: T 60 is adopted with the emergency and becomes permanent resolution  
1042-2005.

Permanent Resolution No. 1042-2005

T 61-2005        AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND  
4138-2005        ENTER INTO CONTRACT FOR THE PURCHASE OF THE PROPERTY  
LOCATED AT 7459 RACE ROAD, NORTH RIDGEVILLE, OHIO, IN THE  
AMOUNT OF \$156,887.23.

First Reading

moved by Mayor Gillock, seconded by Buescher to dispense with second and  
third reading tonight on T 61

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 Mayor Gillock, seconded by Olesen to adopt T 61

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

Mayor Gillock: Mr. President, I will move to add the emergency as time is of the essence to save ourselves and our residents money. We need to go out for bid on this as soon as we can to get this project started. We have a commitment to get this finished before the beginning of August as the State will be paving Center Ridge Road after the Corn Festival and we don't want to be putting sewers in roads that just got paved.

                    moved by Mayor Gillock, seconded by Olesen to add the emergency to T 61  
                    following the dissertation as to the necessity of the emergency

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: In addition, we have a motion on the floor by Mayor Gillock and a second by Mr. Olesen, to adopt tonight, T 61 with the emergency. Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7                      NO, 0

Clerk of Council Norris: Motion is approved and becomes permanent ordinance 4138-2005.  
                    Permanent Ordinance No. 4138-2005

President Arndt: Dr. Norris, if you'll read our second readings, please.

•                      **Second Readings**

President Arndt: Second readings before Council this evening include:

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

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

President Arndt: That concludes our seconding readings and, Dr. Norris, if you'll read our third reading.

•                      **Third Readings**

Clerk of Council Norris: Third reading this evening include:

T 26-2005                      AN ORDINANCE AMENDING ORDINANCE 3979-2004, REGULATING

**ADULT CABARETS.**

Third Reading

moved by Arndt, seconded by Butkowski to postpone T 26 until the next Council meeting in order to provide a Public Hearing which is scheduled for May 2 at 7:20 P.M.

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

**OLD BUSINESS:**

President Arndt: The Chair requests, as we come to old business, if there be any old business by Council to be brought before the body? There being none, Dr. Norris, if you'll read our upcoming meeting announcements as well as Mr. Olesen has an announcement.

**UPCOMING MEETING ANNOUNCEMENTS:**

Clerk of Council Norris:

Next Regular Council Meeting Monday, May 2, 2005 at 7:30 P.M. in Council Chambers.

Public Hearing on May 2, 2005 at 7:20 P.M. in Council Chambers regarding T 26 Adult Cabarets.

President Arndt: Mr. Olesen, would you like to make your comments?

Council Member Olesen: Yes, please, if I can. We have some things from our friends over at the Senior Center. They are having their famous spaghetti dinner on April 29 from 5:00 to 7:00 P.M. This is a great dinner. Adults are six dollars, seniors are five dollars and children are four dollars. If you haven't gone to this thing, I will again urge you to try it because it's a lot of fun and it's a great meal. There is another thing coming up that I am sure all of us are going to flock to. It begins on Monday, May 2 from 9:00 A.M. to 10:00 A.M. at the Senior Center. It will be a new work out session designed to accommodate all levels of fitness. The class will run for eight weeks and it's twenty dollars. If you would like more information on these sessions, please call 353-0828. Thank you very much, Mr. President.

President Arndt: You're welcome. One more reminder for the benefit of those of us sitting here in the audience as well as throughout the City. The Mayor is going to be having again, two evening town meetings; one on April 20 and one on April 28 to be held in our Library on Bainbridge Road at 7:00 P.M. For those of us who have questions or issues around the upcoming election and the tax issues, please avail yourself of that opportunity, because it is the intent of all of us here to make certain that our community is as well educated as we possibly can. Having said that, the Chair will entertain a motion.

**ADJOURN:**

moved by Swindig to adjourn

President Ronald Arndt: Meeting adjourned.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL  
REGULAR MEETING                      APRIL 18, 2005**

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Meeting adjourned at 8:53 P.M.

MOTION Butkowski 2ND Swindig DATE May 2, 2005  
(As Corrected)

YES 6 NO 0 ABSTAIN 0