

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING APRIL 17, 2006**

CALL TO ORDER: 7:30 P.M.

Mayor Gillock: As you can see we have several absent this evening. Council President Ronald Arndt is out of town as is the President Pro-Tem. I get to temporarily take over. We also have a substitute Clerk this evening and I want to thank Paula for being here. The first thing we will do is elect a Temporary President for the Council meeting this evening. At this point, I will open nominations for a Temporary President of Council

 moved by Buescher, seconded by Olesen to nominate Mrs. Butkowski
Mayor Gillock: Are there any other nominations for Temporary President?

 moved by Jaenke to close nominations for Temporary President
Mayor Gillock: With no other nominations and receiving a motion to close nominations, nominations are closed and Mrs. Butkowski is selected as Temporary President of Council.

INVOCATION: lead by Temporary President of Council Butkowski.

PLEDGE OF ALLEGIANCE: by all.

CALLING OF THE ROLL - ROLL CALL:

Present were Council Members Nancy Buescher, Dennis Boose, Richard Jaenke, Bob Olesen, Bernadine Butkowski.
Also, present were Mayor David Gillock, Safety-Service Director Denny Johnson, Law Director Andrew Crites, Engineer Larry Griffith, Auditor Chris Costin and Chief Deputy Clerk of Council Paula Cope.
Absent were President Pro-Tem Gayle Manning, President Ronald Arndt, and Clerk of Council Charles Norris.

MINUTES - Corrections (if any) and Approval:

Chief Deputy Clerk of Council Cope: Minutes before Council this evening include:

Public Hearing Minutes of April 3, 2006 re: T 53-2006 and T 54-2006

 moved by Olesen, seconded by Jaenke to approve
Temporary President of Council Butkowski: Please call the roll.

 Yes, 5 No, 0

Chief Deputy Clerk of Council Cope: Minutes have been approved by a vote of five to zero.

Council Minutes of regular meeting held April 3, 2006

 moved by Buescher, seconded by Jaenke to approve
Temporary President of Council Butkowski: I have a correction for the minutes. On page ten, line six, where it says inaudible, that was me. I spoke to answer Mr. Rudnickas to say that I voted for the sewer agreement. I checked the Council minutes of February 20, 2001 and found that I did not vote for the sewer agreement. The vote was five to two and it passed with the emergency added to the ordinance. Are there any other corrections or additions to the minutes?

Clerk, please call the roll.

Yes, 5 No, 0

Chief Deputy Clerk of Council Cope: Regular Minutes have been approved by a vote of five to zero.

Chief Deputy Clerk of Council Cope: Council will also please note:
Planning Commission Minutes of regular meeting April 11, 2006

Temporary President of Council Butkowski: We will move onto our Mayor and Director's reports.

MAYOR AND DIRECTORS REPORTS:

- **Mayor:**

Mayor Gillock: Good evening. We have two issues that I would like to briefly discuss with Council and our residents this evening.

The first is the continuing discussion regarding the sewer assessments. I think most people, by now, understand how this assessment came to be. The agreement with the original 35 petitioners was signed in 2001 with the assessments to take place five years after the City first issued bond anticipation notes for the sewer, which is where we are at today.

The petition and agreement also requires that the landowners shall include in each deed by which they convey all or any portion of the assessed properties, a notification that the property so conveyed is subject to an assessment levied by the City for the construction of the Westerly Sanitary Trunk Sewer Improvement. In simpler terms, the City legally required that whenever one of those 35 landowners sold a piece of their property, notification of the pending assessment had to be provided.

It appears that three builders down the line did not get the word. We have received complaints from primarily Pulte Home buyers, Wagler Home buyers and Oster Home buyers. Pulte and Wagler have both taken steps to address this problem. Pulte wrote a check to the City for 631,000 dollars, paying the assessments for the homes they had sold and they paid that directly to the City. I have been told that Wagler is issuing their home buyers checks directly to compensate their home buyers for the assessments their buyers have made or are making to the City.

Those of you that, apparently, were not notified by Oster, and I have no proof either way, need to talk to Oster and/or perhaps your title guarantee company. As I said, these are required to be in the deed. If they are not there, you have a couple of avenues to try and attempt to address this. The City has attempted in every way possible to make sure that proper notifications were made.

For those of you that might need a few more days to make the entire payment up front should

contact either my office or the Treasurer's office directly. The Treasurer's number is 353-0854. If there are extenuating circumstances, we have the ability to consider a short grace period in some cases. We are not talking 30 days, but we do have some wiggle room.

Keep in mind, however, the assessments can be added to your property tax, payable over 20 years at a very low interest rate; probably around or under five percent. For those that cannot pay the entire amount up front, this does present an economical alternative.

The other issue I would like to address is the Gibson Mobile Home Park. Some of you may have seen in Saturday's Plain Dealer that 17 trailer owners are being displaced and there may be future articles, as they continue to contact me. This is a private matter that the City has no involvement. We will do all we can to help to assure that all rules and regulations are followed as far as the eviction process, which essentially gives the owners six months to relocate. The City does not have a program to assist in relocation, as number one, this issue has never came up before, and two, I'm not sure this would be an appropriate use of taxpayers' funds. A similar situation arose in Fairview Park, where Fairview Park did, financially, assist trailer owners to move. However, this was due to a public venture involving a joint venture between Fairview Park and the Rocky River school district, which used a vote-approved tax levy to finance the moves for a municipal construction project. As stated before, this is a private venture that the City has no involvement in, other than to assure that our laws are followed.

Thank you, that concludes my report.

Temporary President of Council Butkowski: Thank you. Mr. Johnson?

- **Safety-Service Director:**

Safety-Service Director Johnson: Thank you, Madame President. We learned today that the paving project on Avon Belden will start on May 1st and completed on August 15th. This project will include full paving of Avon Belden through the entire city, including the full intersection with Center Ridge. Traffic will be maintained throughout the project, but delays are expected. The Avon Belden railroad overpass is scheduled for traffic on July 1st and full completion soon after that. Both these jobs are Ohio Department of Transportation projects and they will be coordinated to avoid damaging new pavement.

And finally, I ask that Council consider passing T 62-2006 by emergency tonight. These are items discussed in appropriations but were missed in the original appropriations ordinance. The reason for the emergency is to avoid costly repairs to outdated equipment.

That concludes my report.

Temporary President of Council Butkowski: Thank you, Mr. Johnson. Engineer Larry Griffith?

- **Engineer:**

Engineer Larry Griffith: Thank you, Madame President. Because of an Ohio EPA requirement, Council has Ordinance T 53 before them for passage tonight. This ordinance will create a new Chapter 1056 and deals with soil erosion as well as a number of other storm water management issues.

A study on the food and environmental threat of soil erosion published in a recent issue of the Journal of the Environment, Development and Sustainability, states the United States is losing soil ten times faster than nature can replenish it. Many parts of the world are doing even worse. China and India, for example, are losing soil 30 to 40 times faster than nature can replenish it. Every year around the world, soil is being washed or swept away, thus, destroying crop land the size of the state of Indiana. The vast majority, 99.7 percent of human food comes from crop land, which is shrinking by almost 37,000 square miles per year due to soil erosion. While, at the same time, there are more people than ever of which more than 3.7 billion people are malnourished.

The economic impact of soil erosion in the United States costs this country about \$37.6 billion each year in productivity losses. Damage from soil erosion worldwide is estimated to be \$400 billion per year. As a result of erosion over the past 40 years, 30 percent of the world's arable land has become unproductive. About 60 percent of soil that is washed away ends up in rivers, streams and lakes, making waterways more prone to flooding and contaminating them with fertilizers and pesticides. Erosion also increases the amount of dust carried by wind. This dust not only acts as an abrasive and as air pollutant, it can carry about 20 human infectious disease organisms, including anthrax and tuberculosis.

Erosion is a slow and insidious process, one that will nickel and dime you to death. One rainstorm can wash away .04 inches of soil. Now that doesn't sound like much until you consider that with a 2.5 acre area that amounts to 13 tons or 26,000 pounds of topsoil. It takes mother nature 20 years to replace that kind of a loss. Yet, controlling soil erosion is really quite simple, soil only needs to be protected with a ground cover of some type.

On another note, April 22nd is Earth Day. The second and third graders at Lake Ridge Academy are planting trees to commemorate Earth Day. This is a good opportunity to show your commitment to a clean environment by volunteering for a cleanup effort in your neighborhood or initiating a cleanup effort in your local school, on your street, along the side of the road, vacant lots, or other local areas. And, please remind your friends and family not to litter.

Thank you, that concludes my report.

• **Auditor:**

Auditor Chris Costin: Thank you, Madame Chairman. Council should have received their March 2006 report that was handed out last week. We request your passage.

Auditor's Written Financial Report for March 2006

motion by Boose, seconded by Olesen to approve the Written Financial Report for March 2006

Temporary President of Council Butkowski: Please call the roll.

Yes, 5 No, 0

Chief Deputy Clerk of Council Cope: Report is approved by a vote of five to zero.

Auditor Costin: Thank you and one comment. The Safety-Service Director has already referred to T 62 and as he explained, the items that are requested were all approved in appropriations and some how fell off the radar screen when we did the original appropriation ordinance and we request that you consider passing that tonight. However, when it receives its first reading, I do have a cosmetic change that I would like to make to the ordinance before passage.

Thank you. That concludes my report.

Temporary President of Council Butkowski: Thank you, Mr. Costin. Other Reports?

• **Other Reports:**

Chief Deputy Clerk of Council Cope: Please note:

Building Department Report for March 2006;
Police Department Support Car Report for March 2006; and
Water System Operation Report for March 2006.

Senior Citizens Advisory Board Report by Council Member Olesen:

Council Member Olesen: Thank you. I have a short report this evening. I would like to remind everyone that the last spaghetti dinner of the year will be on April 28. These are always a fun occasion so, I would urge everyone to attend. All the profits go back to the Senior Center. April 27 is a Super Thursday Luncheon and everyone is eligible to go to that. Also, on that date from 10:45 A.M. until 11:45 A.M. there will be a blood sugar screening event, which is free. If anyone would like to attend any of these events, please call the Senior Center. There is also a hot lunch being served to the seniors every Wednesday. The cost is \$3.25, which consists of a full entree. Again, call the Senior Center for reservations on that. Thank you.

Temporary President of Council Butkowski: Thank you and now we will continue on with the Planning Commission Report.

Planning Commission Report to Council of regular meeting April 11, 2006

APPLICANT: SDC Homes and Neighborhoods, Inc. 35290 Detroit Road, Avon, Ohio
44011

OWNER: Northborough, Ltd., Joseph R. Scaletta, Managing Member, 35290 Detroit
Road, Avon, Ohio 44011

REQUEST: Final plan approval for Northborough Subdivision Phase 2
LOCATION: Vacant Land on Mills Road in an R-1 District as a conditional use for a
Senior Citizen Planned Residential Development
Permanent Parcel No. 07-00-030-000-089

PC ACTION: Approved by a vote of five to zero
moved by Jaenke, seconded by Olesen to approve
Temporary President of Council Butkowski: Please call the vote.

Yes, 4 No, 0 Abstention, 1 (Butkowski)

Chief Deputy Clerk of Council Cope: Motion has been approved by a vote of four yes, zero nos
and one abstention.

Council Member Olesen: Madame President, if I might add one thing. Mr. Scaletta made a lot of
promises when he was going to build that project and he has lived up to them. That is a very
attractive project. I hope that everyone takes a look at it because he is doing a great job out there.

APPLICANT: Telemark Resources, Inc., Alltel Ohio, Inc. Engineering 26 Locust Street,
Oberlin, Ohio 44074

OWNER: Wanda M. Jurco, 35968 Lorain Road
REQUEST: Placement of telephone switching equipment to upgrade
telecommunication services to the surrounding area

LOCATION: 35968 Lorain Road in a B-3 District
Permanent Parcel No. 07-00-024-101-021

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

Temporary President of Council Butkowski: Is there any discussion?

Council Member Jaenke: Madame President, I would like to add that this is not a tower as we are
all familiar with. This is a communication switching box that is very small in size and it will be
landscaped and will not be seen from the road. There will be landscaping, which will be placed
around the switching equipment.

Temporary President of Council Butkowski: Thank you. Is there any other discussion? Please
call the roll.

Yes, 5 No, 0

Chief Deputy Clerk of Council Cope: Motion has been approved by a vote of five to zero.

APPLICANT: Donald R. Mould, Mould Development, LLC, 9449 Island Road

OWNER: Ten Point O Gym, 38818 Taylor Parkway

REQUEST: Installation of an outdoor pool to add to the existing facility

LOCATION: 38818 Taylor Parkway in an I-3 District
Permanent Parcel No. 07-00-047-000-095

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

Temporary President of Council Butkowski: Is there any discussion?

Council Member Jaenke: Madame President, again just to fill everyone in on some of the details.
This is a pool that will not be open to the public. It is a pool that is intended to allow the

property owner to teach kids swimming lessons. It will only be open actually for two and a half months. There was some discussion regarding the appearance of the pool and the placement of the pool on the property. After that all that discussion was held, the owner of the property agreed to move the pool to the west and to provide a buffer of trees for the property owner that is located next door. That was agreed upon by the property owner and also by the owner of the property next door.

Temporary President of Council Butkowski: Thank you, Mr. Jaenke. Any other discussion? Please call the roll.

Yes, 5 No, 0

Chief Deputy Clerk of Council Cope: Motion has been approved by a vote of five to zero.

APPLICANT: Donald R. Mould, Mould Development, LLC, 9449 Island Road

OWNER: Same

REQUEST: Construction of a new building

LOCATION: 7875 Bliss Parkway in a Special Development District

Permanent Parcel No. 07-00-003-102-079

PC ACTION: Approved by a vote of five to zero

moved by Jaenke, seconded by Olesen to approve

Temporary President of Council Butkowski: Is there any discussion?

Council Member Jaenke: Madame President, again to provide additional information. This particular building will be used to manufacture pizza. This is a national company that wants to relocate from Cleveland to North Ridgeville. All they do there, essentially, is manufacture pizzas for national distribution. It is a real asset to the City. They are estimating initially, 25 jobs and they are also planning an addition later on, which will create additional jobs. This is the type of facility, where we encourage developers to move to our City because it will be a national headquarters.

Temporary President of Council Butkowski: Thank you. Any other discussion? Please call the roll.

Yes, 5 No, 0

Chief Deputy Clerk of Council Cope: Motion has been approved by a vote of five to zero.

T 53-2006 AN ORDINANCE AMENDING PART TEN OF THE CODIFIED
ORDINANCES OF THE CITY OF NORTH RIDGEVILLE BY
CREATING CHAPTER 1056 TO CONTROL CONSTRUCTION SITE
SOIL EROSION, SEDIMENT, STORM WATER RUNOFF AND
STORM WATER QUALITY.

PC ACTION: Approved by a vote of five to zero

moved by Jaenke, seconded by Olesen to approve

Temporary President of Council Butkowski: Is there any discussion? Please call the roll.

Yes, 5 No, 0

Chief Deputy Clerk of Council Cope: Motion has been approved by a vote of five to zero.

T 54-2006 AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION

1474.07, COMPUTATION OF STORM WATER RUNOFF; SECTION
1474.09, DETENTION PONDS; AND SECTION 1474.11, SOIL
EROSION PLAN

PC ACTION: Approved by a vote of five to zero

 moved by Jaenke, seconded by Olesen to approve

Temporary President of Council Butkowski: Is there any discussion? Please call the roll.

 Yes, 5 No, 0

Chief Deputy Clerk of Council Cope: Motion has been approved by a vote of five to zero.

Temporary President of Council Butkowski: We have no Council Committee Reports tonight.
Correspondence?

CORRESPONDENCE:

Chief Deputy Clerk of Council Cope: We have one item of correspondence.

- 1) Received a letter from Patti L. Smith, Supervisor of the Permit Processing Unit of the Division of Surface Water of the Ohio EPA submitting a public notice of the issuance of a National Pollutant Discharge Elimination System permit to Kalt Manufacturing Company of 36700 Sugar Ridge Road.

Temporary President of Council Butkowski: We have no new business. We will then move onto the Audience Participation.

AUDIENCE PARTICIPATION (Lobby):

Temporary President of Council Butkowski: Anyone in the audience who wishes to speak tonight should fill out a form in the back of the room. Please leave this form on the podium. You will have three minutes to speak. Please give your name and address so that if we have any questions or should we need to contact you, we will know who to contact. Is there anyone in the audience tonight that wants to speak?

- 1) Janice Chappell of 5176 Ravenway, North Ridgeville Ohio expressed her unhappiness regarding the notice of the special assessment. She felt that the notice was untimely and totally cold and asked Council for their approval on a 30 day extension.

Temporary President of Council Butkowski: Mrs. Chappell, we usually don't respond back and forth during audience participation. However, we should meet and discuss that at some time. The deadline is very soon.

Council Member Buescher: Madame President, I would like to hear the answer.

Mayor Gillock: Madame President, I would defer this to the Auditor.

Auditor Costin: Legally, we need to check the revised code, because I don't know if we can.

Quite frankly, the time lines were all laid out under the original agreement and I do understand after speaking with the Mayor today, that the firm that we hired to send out the letters, sent it out late. There is no excuse for that. That shouldn't have occurred. However, the only thing I can

say, not being an expert on the revised code, is that we would have to look into that to determine if we have the ability to postpone and then advertise it to the citizens. I really can't answer that question right now. I know that we are on a fine time line in terms of collecting the assessments and putting the bonding in place. However, I honestly don't know if we have the legal ability to postpone by 30 days, the collection of those monies, in view of the fact that the letter went out late. It is clearly understandable. I am sure that we can contact our outside legal counsel who handles these matter. Those matters are more technical than the routine matters that we handle at the City from day to day and as such, we utilize an outside firm known as Squire, Sanders and Dempsey that has represented us for years. All we would be able to do is verify with them as they would have a much more intimate knowledge of the revised code in these areas. I think that would be the only thing and the proper thing to do.

Council Member Buescher: Madame President, I would like to make a formal request that, that be looked into because if there is that chance for these people to have that extension, City Council could call a special meeting in order to vote on that, if we have that ability. I would certainly appreciate giving these people that opportunity.

Mayor Gillock: Madame President, we have had that discussion with Squires, Sanders and Dempsey and they have given us, as I said in the Mayor's report, some extra days; somewhere toward the end of the month. They have not given us 30 days. That is on a case by case basis. We can check with them again, but I am pretty confident on what their answer is going to be. I will check with them again. In the meantime, you can contact my office or the Treasurer's office and we can work with you some. The other part of the equation, which I thought Chris was going to speak on, is the timing that we have to, at some point, cut it off and say that is it. We have to know how much we have collected in order to know how much we have to borrow through our bonds. We will then have to go through our bond counsel and legislation will have to be passed. We will have to get all that done. I think we were looking at doing the bonding in July. That basically gives us only May and June to get all this done. That is why our time line is tight. If we went out another 30 days, we wouldn't be able to get everything done that we need to in order to put this in place. That is part of why we can't just give another 30 days. I will talk to Squire, Sanders and Dempsey again, but barring an extension with the one that we have already got because the engineering firm sent them out late. They are due towards the end of the month. We don't need Counsel action. If Squire, Sanders and Dempsey states that the Ohio Revised Code allows us to do that, then we will do it. We will get it into the newspapers. Right now, we are working on a case by case basis.

Temporary President of Council Butkowski: Mayor Gillock, could we also put that information on Cable also.

Mayor Gillock: If we get the extension, we will have it on Cable. We will have it on our website, and we will also have it in the newspapers. I will even call Larry Wright at WEOL and talk to him. We will get it out every way we can. To us, we need to get it done, but we're not going to bonding until we hit some cut off date so that we know how much exactly is paid and how much we have to borrow. The more we collect up front, the less we have to borrow, so it is good for us to be able to give more time. We have to be able to, at some time, cut it off and process the necessary paperwork to go to bonds. We have to go to bond counsel. We have to get resolutions passed by Council. Then they have to go sell the bonds. It is not something you can

just do over night.

Council Member Boose: Madame President, perhaps Mr. Costin could explain if there is a reason why we have to stick with the July deadline of the sale of those or is there some leeway in that to extend it. The reason I ask, is that I am in full support of what Councilwoman Buescher has brought up about giving these homeowners a fair time line to pay this in advance and as the Mayor just mentioned, the more we get up front, the more it is to the City's advantage because that will be less that we have to end up borrowing. Especially, in light of these notices going out late, I would want to look at every avenue possible to be able to extend this. If we have to extend and are able to extend the sale of the bonds into August, if need be, and it doesn't financially hurt the City; I think that it is something that we should strongly consider.

Auditor Costin: There are two things that you need to consider. There are two time lines that we are talking about here. Remember as time is moving on, we have these properties transferring every day and I don't know how those are affected. The second item is that we have to have these bonds in place in order to pay off those BANS when they expire. There is a process that you have to go through. We will be going through rating agencies and we will be going through the insurance agencies to get our best economic interest rate. It is not like issuing notes. There is a time frame involved and we need to have all that in place. Allowing for some time delays and glitches, so that we have authority to issue those bonds and are capable of issuing those bonds in time to pay off the BANS, which I believe expire in early August.

2) Suresh Kirpekar of 4997 Windsford Circle, North Ridgeville expressed his disappointment with his builder, as he indicated that they met on more than one occasion with him and never once was this special assessment mentioned. He pointed out that Oster should follow in the footsteps of the two other builders who have agreed to pay off their new homeowner's assessment.

3) Gary Crumley of 2211 Tate Avenue, Cleveland Ohio noted that he will not take possession of his new home in Avalon Estates until next month and explained that he received a letter from Oster regarding this assessment and that it was his responsibility for this assessment on property that he will not own until May 16. He noted that he did not know any of this until he received the letter from Oster. He asked that the City consider this builder and his work ethics.

Mayor Gillock: Madame President, I am not a lawyer and I'm going to ask our Law Director if he would speak to this a little bit. This is the first one of this nature that I have heard of. The cut off date for the sewer assessments was January 31. That was the date that we said, as of this date, all those properties that have been sold, those assessments will go to those property owners. The property that has not been sold yet will be assessed to the developer or the owner. If Oster owned that property on January 31 or February 1, he is the one we billed for that assessment. Normally, I would think that he would include it in the cost of the house, but I don't know and I will let the Law Director speak to it if he would. However, the cut off date was January 31.

Law Director: I want to try to steer clear of giving individual legal advice to anyone, because I would probably create a brush fire that we could never put out. At the same time, I feel your pain. The bottom line is the date the assessment has been identified. I would not say that it is the

date that it is certified to the County Auditor as that date approaching. This is when the assessment will go on the tax duplicate, which will be after the date the full payment is due. The date the assessment was defined, followed by the calculation that was done by the engineers that did the work for us, identifies the amount that follows the parcel. The assessment follows the parcel. If the assessment is not paid in full before the due date, it will go on the tax duplicate and it will be added to the taxes that are assessed to that property for every year for the next twenty years. Although the assessment runs with the land, the separate question is whether or not if it is sold to you by someone who knows it's there and knows it's coming; whether or not that should have been disclosed to you. Again, I don't want to go too far down this road. I think, not only pursuant to the petition that accompanied the assessment that was signed by the land owners but also in just general Ohio common law, that is something that has to be disclosed to a seller. If not, there is a problem. Then, the purchaser would likely have a claim against the person that made the sale. The petition required that the assessment be disclosed in the deed for each parcel. Unfortunately, in this instance with this developer, the land changed hands a couple times from when the assessment was originally petitioned and passed by Council. It should have been in the deed that you were to sign. We have seen a sample deed from your development and again I am not the judge and jury of this situation, but it would be my opinion that it wasn't adequately disclosed. It was just general boiler plate language that stated subsequent to all other taxes and assessments. Where I would look closely to see is if it was in your purchase agreement. That is a separate document that contracted the purchase defining what you are going to buy and how much you are going to pay, the date it will close, the risk of loss, etc. Did you, just out of my own curiosity, find the line in your purchase agreement, which referenced that it was subject to this sewer assessment?

Mr. Crumley: When I called them asking about it, they are the ones that told me that it was stated in that section of the contract. I have a copy of that, which I can give you. I don't know how I can be responsible when it is due within a couple of days and I don't even own the property.

Oster is telling me that I have to pay.

Council Member Buescher: Madame President, it seems that this gentleman is saying that from the dates that he is giving is that the developer or the builder himself is responsible for this and that you're buying this property after the fact and after the deadline for the developer. I may be mistaken or misunderstanding of what you are saying, but that is what it seems to me.

Council Member Olesen: Madame Chair, I just have one question. Apparently, your title is not transferred at this point.

Mr. Crumley: I take possession of the property on May 16.

Council Member Olesen: So you don't own this house at this point in time?

Mr. Crumley: But I have a letter here from Mr. Oster telling me that I am responsible for this assessment.

Temporary President of Council Butkowski: Mr. Crumley, we are getting into a matter that I think is almost a private matter that we can't really get into it because it is between you and the builder. I understand because it sounds like you have a real dirty deal. I think that this is something that is really between you and the builder. Maybe your own legal representative will have to take care of it. I think that we can't continue to get into something that is probably more of a legal matter that we can't handle here on the floor of Council.

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Mr. Crumley: Is there any way that the City could put any pressure on this developer for the home owners and future home owners to correct this situation?

Council Member Boose: Madame President, I am not an attorney. I would agree with the President, that it sounds like this is a private issue between you and the builder. However, I can assure you that as long as I am involved in this City, if Mr. Oster's company plans to come before Council, Planning Commission or whatever for additional sites to develop that require an approval, I will do whatever I can do to make sure that proper verbiage is included that needs to be done so that citizens are protected. In this sense, it is the horse after the cart and I am not sure if there is anything Council can do because it does appear to be a private matter.

Temporary President of Council Butkowski: You can be assured that none of us here on Council will forget Mr. Oster for this and some other issues that have been very serious this past year.

Auditor Costin: Madame Chairman, if I can just add one comment. We have to be careful that we don't mislead the gentleman because I can tell you that when there is a special assessment it attaches to the property. So, at some point, if the developer didn't pay that assessment, then it is going to go on the tax duplicate and it goes with that property until it's paid regardless of whether you own it, your successor owns it or anybody else until it is paid off. Just be aware that it does attach to the property and now of course, the question is, there are public disclosure requirements and I think as the Law Director eluded to, the question is whether those were made known to you, I don't know. I know that originally the City did what it could in the agreement between the developers. They came to the City initially to start this and worked with the prior Administration and there are difficulties in what a City can and can not do with developers that come into cities. Without getting into that whole schematic, I would tell you, that it was a requirement that, as the Law Director and Administration said, was an attempt by at least the City, to protect the future home owners by requiring them to make known to you in writing and I don't particularly remember the language, but it was in our agreement with them before it passed Council that they were required to disclose that to you home owners. I would have to refer to the Law Director on what the ramifications are, but it should have been done and it should have been done in writing. Again, I believe it is a requirement upon transferring property that, that be made known to you. When it is recorded, ultimately, those that don't pay, initially, the assessment will be recorded on the deeds and it will certainly be public record thereafter. Anyone who subsequently buys that parcel will then know that, that assessment does exist. In the special assessment process, the land owners; be it one parcel, ten parcels, whatever the case may be, have the ability to pay in advance as is the issue here, that assessment. Accordingly, the amount of the debt that the City borrows with regard to that assessment, is reduced by the amount of those pay ins. Once, it is filed, it becomes a permanent part of that deed. It will be recorded in writing attached to that deed.

- 4) Robin Grau of 38292 Millenium Court, North Ridgeville expressed her gratitude toward the City of North Ridgeville and their engineers. She expressed her concerns with regard to the sewer assessment letters and the lack of correct information included in them. She noted that everyone on her street received a letter with incorrect parcel numbers on them and now they are not sure exactly, what and how much they are to pay.

Temporary President of Council Butkowski: Excuse me, your three minutes are up.
moved by Boose, seconded by Buescher to allow Ms. Grau to speak for another three minutes

Temporary President of Council Butkowski: All those in favor? All those opposed?

Yes, 5 No, 0

Temporary President of Council Butkowski: Please continue.

Ms. Grau: I was told today, that unless all of my neighbors bring it to the attention of the City, even though it is obvious that my entire street is incorrect, my neighbors, who haven't brought this forward will not be given the same new deadline as I am. I think it's an embarrassment to the City and I really hope that as far as Oster Construction is concerned, that this Council will really take the things that you're hearing here under consideration. Because, I really feel like there are some problems here and I certainly hope that as our City Council, you will protect the future residents.

Council Member Boose: Madame President, is there anyone in the City that received copies of the letters that were sent out by this firm so that someone could check to see; and I know it's an in daunting task of I think 1,700 such letters. Is there anyone here that could check those copies of those letters to see if anyone other than this lady had wrong parcel numbers listed on their letters so that we can protect the citizens who may not have noticed that to give them this extra time?

Mayor Gillock: Madame President. First, I would like to thank you for your kind comments about the City. We do pride ourselves and this is an embarrassing situation. I was not totally aware of the situation with the wrong parcel numbers. In an attempt to do this right, with exactly what Councilman Boose was mentioning, we paid 60,000 dollars and hired a professional engineering firm to make sure this was done properly and this was not. Not only did the notices not go out in a timely fashion, which should have given the residents 30 days, they went out late and were given 17 days and now we have this issue. Let me assure you that we will be having conversations with K.E. McCartney. This is unacceptable as our Auditor said earlier, these mistakes are unacceptable. That is why we hired them so this will be done right. There are something like 2,700 assessments going out. The assessment amount has to be matched up with the parcel number. That is what they were suppose to do. Some of you know, as I said earlier, we have been able to grant or consider extensions toward the end of the month. If we got to May 1, that basically gives you the full 30 days. However, we have not been able to officially say you have until May 1. We can discuss those. As I said, I will be discussing this with John Larson from Squires, Sanders and Dempsey again tomorrow in regard to some type of extension. I will be discussing this also with McCartney. It makes no sense to hire McCartney do this right and then for us to have to check their work. I was not aware of the cold letter that they sent out. They don't always run their letters by us; nor do we expect them to. These are technical matters. We are not proofreaders; nor will we look over their shoulders when they write a letter. They do this all the time. This is not something new. This is not something North Ridgeville thought up. This is done all over the state. It is complicated, but it is not rocket science. We will be discussing it with them.

Council Member Buescher: Madame President, as a representative of Ward 1, I have been very angry about this situation from day one also. Mostly, because people began to call me before I

even realized what was happening. As Ms. Chappell said, that letter should have explained exactly what was going on because every phone call, people had different questions and no one had a clue of what was going on and for the amount of money that we are paying McCartney, this is totally inexcusable. I can't personally apologize because I had nothing to do with this issue. I certainly think that the City owes all of you an apology.

Mayor Gillock: Madame President, a couple things. I differ with your point. The City did everything they could to make sure you were aware of this. That was our intent, that was our legislation and that was our instructions. They were not followed, the ball was dropped and some of you were not aware. That is unacceptable, but frankly, it is not the City's fault. We legislated and we gave instructions. We did everything we could. I understand where you are coming from. If you might indulge me for one second, I would like to ask a question of the lobby. How many of you are here in regards to the assessment and are not in an Oster Home? Thank you. That answered my question.

Council Member Boose: Madame President, perhaps a question to the Law Director. Can the City legally put these assessments on the tax duplicates if some of these home owners were not correctly advised because the parcel numbers on their letters were not correct and if so, how do you determine that?

Law Director: It's not even a question of if the City. It's going to happen automatically. It has to. The primary issue for Council to keep in mind is the time lines and the amounts are all connected to the amount that we've borrowed with our Bond Anticipation Notes and these have to go out and get back in time to sell the bonds. By law, Ohio Revised Code, we have to do it and the assessment will happen. Where the process is going to get giggled, legally, if that is a term, won't be in how much assessment is attached to each property on the tax duplicate, it is going to be who, ultimately, is responsible for it. That is the poor unwitting person who is sitting there as the subsequent purchaser or the owner of the property, who may or may not have been there when the original assessment was petitioned for and or who failed to disclose it.

Council Member Boose: I understand that the assessment follows the land, my question though is that if I'm sitting on the street and I got the wrong letter that says I owe 500 dollars and I pay the 500 dollars to find out that I should have paid 700 dollars, I am going to be charged interest at five percent on that 200 dollars.

Mayor Gillock: Madame President, I can answer that question. There is no legal requirement that the City notify you at all. The legal requirement is that we pass the assessment by legislation. When the assessing phase comes around, it is attached to your tax duplicate. Unless, in this case, we have notified you to give you the option of paying it in advance. Don't misunderstand me because it is not the way I want to go, but legally because John Larson has told me this a number of times, there is no legal requirement for any notification to be sent out.

Ms. Grau: Can I say one more thing? I have to say that I have spoken with the Treasurer and he has been wonderful. Today, I went straight to his office and said look, you and I have discussed this. You know I have the wrong parcel number. I am hoping that we are going to be able to pay this off, but I don't know how much my amount is and he did inform me that there was a letter. He called me actually. He looked into it this afternoon and called me probably a half hour after I was in his office. So, he has been really good and wonderful. He has been on top of things and you should be really proud of how he is handling this.

5) Ed Lee of 4903 Somerset Court stated that he is the owner of one of the first Villas that Mr. Oster had built. He noted that he has been there for three years and the first indication that he had of any sewer was the letter that he received from the City. He noted that the sales person explained that there was going to be an assessment to repave Case Road. He was never told of a sewer assessment. He noted that he received a letter from Oster stating that the information is in his contract.

Temporary President of Council Butkowski: Mr. Lee, excuse me, your three minutes are up.
moved by Boose, seconded by Buescher to allow this gentleman two more minutes

Temporary President of Council Butkowski: All those in favor? All those opposed?
Yes, 5 No, 0

Temporary President of Council Butkowski: Please continue for two more minutes.

Mr. Lee: How did you determine who pays what on these assessments? There are people paying nothing. Some are paying 800 dollars and some are paying as high as 1800 dollars. All of us in the Villas are being assessed 974 dollars and some odd change and I don't understand how. The property that my house sits on is 45 by 60. Usually, tax rates are based on frontage. How did he come about this? Can anybody answer that question for me?

Temporary President of Council Butkowski: Denny do you want to go through on how you explained it.

Safety-Service Director Johnson: The Law Director is volunteering.

Law Director Crites: It is a function of the density. The assessment follows the parcels as the parcels existed on the day that the petition was passed. By parcels, back then, we are talking about 40 acres here; 50 acres here, etc. or even to bring it down to a smaller development, there may be two 20 acre parcels side by side. The highest assessment is around 1700 dollars and you can have a guy paying 1700 dollars right next to a guy who is paying 300 dollars. It is how the developer then subdivided and developed those individual parcels after the parcels were identified as those to be assessed. Density means how many buildings are on that property.

Actually, it is how many people occupy those buildings, but it is how many houses are on that ten acre parcel. If one parcel has only ten houses on it and it is one house per acre, it's low density. So, if you had two 20 acre parcels and your developer placed a detention pond, or some green space, or some trees and you ended up being on that 20 acre parcel that had the lower density, IE; less houses, than as the function of the math, your assessment would be higher than the people, who, on the adjacent 20 acres shared that property with more houses.

Mr. Lee: There are two Villas that were built and there happens to be 22 houses on our Villa and there other Villa only has 17. So, they would have a different rate over at that different building than we do then. I know a place that has property on the corner of Avalon and another one on one of the side streets. Their assessment is 800 dollars. I am paying 200 dollars more for a parcel of land. We have common ground there between all the houses. However, I can't do anything with that common ground. I've been before the Engineering Department because I wanted to put up an awning on my patio, which was put in by the builder. No problems. My air conditioner is on common ground. The gutter on the side of my garage is on common ground.

They built the house right on the line. When I applied, I went to see Mrs. Oster. I took her brochures. I took her plans and everything. I showed them to her and she said that as long as I stay in neutral colors, you can have my verbal approval and you can have my written approval, which she did. She told me that I must go and talk with the City. I come to the City and City says no, you can't.

Temporary President of Council Butkowski: Mr. Lee, I'm sorry you're two minutes are now up. We do understand and we will be addressing some of these things. However, there are a lot more other people that need to be heard. Thank you.

6) Linda Bartlebaugh of 5199 Ravenway noted that she may be repeating what everyone else has said. She explained that there are legal issues between Oster and some picketers in her neighborhood; such that Oster is sending letters from their attorney threatening neighbors to contact them within 20 days from receipt of their letter with the assumption that it had something to do with the picketers. She wanted Council to understand the type of business Oster is practicing in North Ridgeville and how it is not making the City of North Ridgeville look good at all. She thanked Council for their time and noted her appreciation of how her phone call was handled by Paula Cope.

Council Member Buescher: Madame President, while the next lady is coming up, I too would like to thank Mrs. Cope. She has been wonderful. She has taken all of these phone calls and has explained so much to people and she really put her heart and soul into it these last couple of weeks and I'm sure she is exhausted and I just want her to know that we have really appreciated it.

7) Tara Margolin of 5002 Weatherstone Drive, North Ridgeville asked if there were any other assessments that may be coming into our development that the developer may not have disclosed.

Mayor Gillock: This is the only assessment project that I know of.

Temporary President of Council Butkowski: I have never heard of any other ones before. Unless, someone has requested by petition on their street to put a sewer in and they all knew about it.

8) Garrett Padgett of 5049 Ravenway, North Ridgeville stated that on behalf of his family and some of the other people within his neighborhood, he wanted to express that their beef is not truly with the City. It is with the builder. They weren't told up front. He expressed his appreciation of the City in the giving of their time in helping them. He asked that Council consider the future home owners of North Ridgeville by watching the business practice of this developer.

Law Director Crites: Madame President, if I could. I don't know if I am stepping on the Engineer's or Mayor's toes to say it, and not to insult anyone's intelligence by stating the obvious, but I heard a couple of comments tonight that lead me to believe that there is a possibility that some of you don't realize that if you do nothing what so ever and you don't pay

this assessment upfront, it will automatically goes to the County and they will just divi the amount up over a 20 year period with interest, of course. It will be on your property taxes for the next 20 years. It will be financed for you at the same rate that the City had to borrow the money if you choose to do nothing.

Mayor Gillock: If I may clarify it, just for a point of information. To my understanding it is not a lien, it is added to the property tax. It is not a situation where, when you go to sell, there is this lien.

Auditor Costin: Maybe, there is some misunderstanding of what we mean by that. Some liens have to be paid off on a transfer. In this particular case, there is a 20 year agreement. The new owner, will see visibly on the deed, that there is a special assessment. You don't have to pay that lien off. It will still remain for the 20 years. That may be the distinction that we are talking about.

Temporary President of Council Butkowski: Is there anyone else? Sir, since there is no one else to speak, you may have one more minute to speak again.

9) Suresh Kirpekar of 4997 Windsford Circle, North Ridgeville explained that he is being charged the same as Mr. Lee is. However, there are less homes where he is than where Mr. Lee is. However, there is more open space in between. He felt that the assessment was still not correct. He explained the flooding issues that they have had and noted some building issues.

Temporary President of Council Butkowski: We will have to check within the building department regarding those issues.

Mayor Gillock: Madame President, just a couple of points. One is in regard to flooding as it is a continuing issue that the City has worked on quite a bit with and is continuing to work on it. We are scheduling a meeting with Oster representatives in regards to some of these flooding issues that we feel that they should be handling. You will see more along those lines in regards to the flooding. Again, in determining the assessments, what the Law Director said was exactly correct and if I might over simplify it. When the westerly sewer service area was originally identified. The cost basically, was going to be assessed by acre to that parcel. If you had a 20 acre parcel here and a 20 acre parcel here, those assessments would have been the same. However, when they developed it, this 20 acre may have been broken down and the developer may have built a whole lot of cluster houses up here and more single family homes over here and really packed them in. So, that original number for the original 20 acres to be assessed will be divided by all those houses and they will be the ones that will be charged on the average of 3 and 400 dollars. This 20 acre down here, the developer may have put the main road through, added a lake and in that 20 acres and only built a dozen houses. Those 12 houses are going to pay that same 20 acre assessment as this one did, only it will be divided among a lot less number of houses. Therefore, their number will be larger. If the developers, as an option back then, had combined the whole service territory into one parcel, then redivided it back out, that would have been an option and it would have been much more complicated. However, the assessments would have been closer then. There is a number of ways you can do assessments. You can do it on frontage. You can do it on acreage. This is the way this one was done. It was assessed on the original acreage on the original parcels to those 35 petitioners and then how it got subdivided from there is why you

have different numbers. Thank you.

Temporary President of Council Butkowski: Is there anyone who would like to speak tonight?

We will now recess for five minutes.

RECESS: from 8:54 P.M. to 9:00 P.M.

ORDINANCES AND RESOLUTIONS:

• **Ordinances & Resolutions Submittals**

Deputy Clerk of Council Cope: Ordinances and resolutions submittals include:

T 62-2006 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 4233-2006 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2006 AND ENDING DECEMBER 31, 2006.

 moved by Olesen, seconded by Jaenke to suspend By-Laws tonight to give T 62 its first reading

Temporary President of Council Butkowski: Is there any discussion? Please call the roll.

 Yes, 5 No, 0

Deputy Clerk of Council Cope: Motion has been approved by a vote of five to zero

T 63-2006 AN ORDINANCE AMENDING NRCO SECTION 242.09 AMBULANCE AND PARAMEDIC FEES TO PROVIDE FOR BILLING QUALIFIED AMBULANCE SERVICES TO MEDICARE.

Temporary President of Council Butkowski: REFERRED TO THE FINANCE COMMITTEE.

T 64-2006 AN ORDINANCE AMENDING NRCO CHAPTER 282 TAX ABATEMENT REVIEW BOARD BY ADDING A SUBSECTION TO SECTION 282.01 ESTABLISHMENT; PURPOSE.

Temporary President of Council Butkowski: REFERRED T 64-2006 TO THE ADMINISTRATION COMMITTEE

T 65-2006 AN ORDINANCE ACCEPTING 1,008 SQUARE FEET OF PERMANENT PARCEL NO. 07-00-014-103-028 ON THE WEST SIDE OF ROOT ROAD AND DEDICATING IT FOR PUBLIC PURPOSES.

Temporary President of Council Butkowski: REFERRED TO THE PLANNING COMMISSION

T 66-2006 AN ORDINANCE AMENDING ORDINANCES NO. 2755-93 AND 3548-2000 BY INCREASING THE COMPENSATION FOR THE CLERK OF COUNCIL.

 moved by Buescher, seconded by Jaenke to suspend By-Laws to give T 66 its first reading

Temporary President of Council Butkowski: Is there any discussion? Clerk, please call the roll.

Yes, 5 No, 0

Chief Deputy Clerk of Council Cope: Motion has been approved by a vote of five to zero.

Auditor Costin: Madame Chairman, just a quick question. On ~~T 63~~ T 64, you referred that to Finance and I was wondering if it was your intention for the Finance Committee to just discuss the numbers, then yes, that would be Finance. If it is your intention to do anything as to the yeas and nays of the content, which would be anything other than the financial numbers, I think that might be better forwarded to the Administrative Committee.

Temporary President of Council Butkowski: Yes, Mr. Costin, you are probably correct on that.

Auditor Costin: Or the Safety Committee one of those two.

Temporary President of Council Butkowski: It is probably better in the Administrative Committee. I'll leave it in finance too, so that maybe they could jointly meet to see the value of this and it will probably take some discussion. All right, we will refer it to the Administrative Committee also. That is ~~T 63~~ T 64 BEING REFERRED TO FINANCE AND ADMINISTRATIVE COMMITTEES.

Mayor Gillock: Madame President, can I ask a question about T 65 please?

Temporary President of Council Butkowski: Yes

Mayor Gillock: The purpose of this, is that it is part of our Root Road, Lorain Road intersection improvement project. We had discussions with the schools to do this and to continue their side walk to the corner, we needed this piece of property. Therefore, they are just giving us this piece of property and we would like to get this done as soon as we can because, we would like to get this project out to bid. I would ask you to reconsider whether or not this actually needs to go to Planning or not.

Council Member Boose: Madame President. I would recommend that we reconsider the assignment to the committee.

moved by Boose, seconded by Jaenke to suspend the By-Laws to allow T 65 its first reading tonight

Mayor Gillock: Unless it is stated somewhere that this subject matter requires Planning Commission to review.

Temporary President of Council Butkowski: The Charter states that this subject does have to be reviewed by Planning.

Council Member Jaenke: Madame President, is it possible to still allow for first reading because obviously, this is in my ward and there is a real traffic problem at this intersection. We really need to get this project started and hopefully completed by winter.

Temporary President of Council Butkowski: Yes, we can still put this under first reading. It just has to be back from Planning before we pass it.

Council Member Jaenke: We need to give this a fast track.

Mayor Gillock: We have two others coming also. We want to move these along as soon as we can because we still haven't gone to bid yet.

Temporary President of Council Butkowski: There is a motion on the floor by Boose, seconded by Jaenke to suspend By-laws to give T 65 its first reading. Is there any other discussion?

Please call the roll.

Yes, 5 No, 0

Chief Deputy Clerk of Council Cope: Motion has been approved by a vote of five to zero.

• **First Readings**

T 31-2006 AN ORDINANCE PROHIBITING LITTERING BY INDIVIDUALS UPON
PUBLIC PROPERTY OR UPON THE UNINHABITED PROPERTY OF
ANOTHER.
First Reading

T 57-2006 AN ORDINANCE ACCEPTING A LAND EXCHANGE AGREEMENT
BETWEEN THE CITY OF NORTH RIDGEVILLE AND VENDOME
ASSOCIATES CORPORATION
First Reading

T 62-2006 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 4233-
4253-2006 2006 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD
COMMENCING JANUARY 1, 2006 AND ENDING DECEMBER 31, 2006.
First Reading
moved by Butkowski, seconded by Buescher to dispense with the second and
third readings tonight on T 62

Temporary President of Council Butkowski: All in favor, say yes. All opposed, say no.

Yes, 5 No, 0

Temporary President of Council Butkowski: Mr. Costin, you mentioned that you wanted to
adjust this.

Auditor Costin: Yes, on the second page, you'll see the numbers that are increasing. It says
there, total general fund. There is a cosmetic error. Right under there it says, total of all funds,
369,084.79. That should be deleted. The last number of any importance is the 21,850. Does
everyone see where I am reading? I would request a motion that the line item indicated as total
of all funds 369,084.79, just simply be deleted from this ordinance.

moved by Buescher, seconded by Boose to delete the total of all funds indicated
as 369,084.79

Temporary President of Council Butkowski: All those in favor. All those opposed.

Yes, 5 No, 0

moved by Boose, seconded by Jaenke to adopt

moved by Boose, seconded by Jaenke to add the emergency

Temporary President of Council Butkowski: On the motion to add the emergency, please call
the roll.

Yes, 5 No, 0

Chief Deputy Clerk of Council Cope: The emergency has been added by a vote of five to zero.

Temporary President of Council Butkowski: There is a motion by Boose and a second by Jaenke
to adopt as amended and with the emergency. Is there any discussion on the adoption?

Council Member Boose: Madame President, just to reiterate as it has been some time since we

first brought this up. All of these items were originally approved during appropriations and they were just missed from the original appropriations legislation. This just corrects that.

Temporary President of Council Butkowski: Is there any other discussion? Please call the roll.

Yes, 5 No, 0

Chief Deputy Clerk of Council Cope: T 62-2006 has been adopted as amended with the emergency and becomes permanent ordinance number 4253-2006.

Permanent Ordinance No. 4253-2006

T 66-2006 AN ORDINANCE AMENDING ORDINANCES NO. 2755-93 AND 3548-2000
BY INCREASING THE COMPENSATION FOR THE CLERK OF COUNCIL.
First Reading

T 65-2006 AN ORDINANCE ACCEPTING 1,008 SQUARE FEET OF PERMANENT
PARCEL NO. 07-00-014-103-028 ON THE WEST SIDE OF ROOT ROAD
AND DEDICATING IT FOR PUBLIC PURPOSES.
First Reading

Chief Deputy Clerk of Council Cope: That concludes all of our first readings this evening.

Temporary President of Council Butkowski: We will now move onto our second readings.

• **Second Readings**

Chief Deputy Clerk of Council Cope:

T 54-2006 AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1474.07,
COMPUTATION OF STORM WATER RUNOFF; SECTION 1474.09,
DETENTION PONDS; AND SECTION 1474.11, SOIL EROSION PLAN.
Second Reading

moved by Butkowski, seconded by Buescher to place T 54 under Old Business until
action is taken on T 53 tonight.

Temporary President of Council Butkowski: We need to place T 54 under Old Business because
T 53 will require action prior to T 54. Is there any discussion?

Council Member Boose: Can I ask for a point of clarification?

Law Director Crites: I will be happy to explain.

Council Member Boose: I don't understand as we are not trying to pass it now as it has only had
its second reading.

Law Director Crites: It has to be passed due to EPA mandates. This was supposed to be done
yesterday, basically. You know that these two ordinances contain references to the one that
essentially has to pass.

Temporary President of Council Butkowski: Is there any other discussion? These ordinances
did get out of order somehow. All in favor of placing T 54 under old business? All those
opposed?

Yes, 5 No, 0

T 55-2006 AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1444.22, SUBDIVISION PLAN REVIEW AND INSPECTIONS; APPEAL OF COST ESTIMATES.

Second Reading

motion by Butkowski, seconded by Buescher to place T 55 under Old Business until the vote has been taken on T 53

Temporary President of Council Butkowski: Is there any discussion? All those in favor say aye. All those opposed?

Yes, 5 No, 0

T 17-2006 AN ORDINANCE AMENDING ORDINANCES NO. 2752-93,
REVISED NO. 1922-84, NO. 1559-79 AND NO. 1275-77 PROVIDING FOR
SALARY CHANGES FOR COUNCIL MEMBERS EFFECTIVE JANUARY 1,
2008.

Second Reading

T 58-2006 AN ORDINANCE PROHIBITING LOITERING ON AND AROUND CERTAIN
BRIDGES, TRESTLES, VIADUCTS, AND SIMILAR STRUCTURES AND
DEFINING LOITERING AND PROVIDING NOTICE.

Second Reading

T 59-2006 A RESOLUTION NAMING THE ROUTE 83 OVERPASS "THE SHAWVILLE
OVERPASS".

Second Reading

T 60-2006 A RESOLUTION OF THE COUNCIL OF THE CITY OF NORTH
RIDGEVILLE, OHIO, APPROVING AND RATIFYING AN APPLICATION
FOR TAX INCENTIVE IN COMMUNITY REINVESTMENT AREA NO. 14
CREATED BY CITY OF NORTH RIDGEVILLE RESOLUTION NO. 768-94,
BY RIDGECO, LLC., A CORPORATION ORGANIZED AND EXISTING
UNDER THE LAWS OF THE STATE OF OHIO DOING BUSINESS AS
WOLFF BROS. SUPPLY.

Second Reading

Chief Deputy Clerk of Council Cope: That concludes our second readings this evening.

Temporary President of Council Butkowski: Moving onto our third readings this evening.

• **Third Readings**

T 36-2006 AN ORDINANCE ESTABLISHING AN APPLICATION FEE FOR
4254-2006 RESIDENTIAL AND COMMERCIAL STRUCTURES AND AMENDING
NRCO SECTION 1444.12.

Third Reading

moved by Olesen, second by Jaenke to adopt T 36-2006

Temporary President of Council Butkowski: Is there any discussion? Clerk, please call the roll.

Yes, 5 No, 0

Chief Deputy Clerk of Council Cope: T 36 is adopted by a vote of five to zero and becomes permanent ordinance 4254-2006.

Permanent Ordinance No. 4254-2006

T 53-2006 AN ORDINANCE AMENDING PART TEN OF THE CODIFIED
4255-2006 ORDINANCES OF THE CITY OF NORTH RIDGEVILLE BY CREATING
CHAPTER 1056 TO CONTROL CONSTRUCTION SITE SOIL EROSION,
SEDIMENT, STORM WATER RUNOFF AND STORM WATER QUALITY.
Third Reading

moved by Buescher, second by Jaenke to adopt T 53-2006

Temporary President of Council Butkowski: Is there any discussion? Clerk, please call the roll.

Yes, 5 No, 0

Chief Deputy Clerk of Council Cope: T 53 has been adopted by a vote of five to zero and becomes permanent ordinance 4255-2006.

Permanent Ordinance No. 4255-2006

Temporary President of Council Butkowski: We will now move into old business. There are two items tonight.

OLD BUSINESS:

Chief Deputy Clerk of Council Cope:

T 54-2006 AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1474.07,
4256-2006 COMPUTATION OF STORM WATER RUNOFF; SECTION 1474.09,
DETENTION PONDS; AND SECTION 1474.11, SOIL EROSION PLAN.
moved by Buescher, seconded by Jaenke to dispense with the third reading on T
54

Temporary President of Council Butkowski: Is there any discussion? All those in favor say aye. All those opposed?

Yes, 5 No, 0

Temporary President of Council Butkowski: Motion passed. Under T 54, we will need to add ordinance number 4255-2006.

moved by Butkowski, seconded by Boose to amend T 54 to add the ordinance
number 4255-2006

Temporary President of Council Butkowski: Is there any discussion? All those in favor say aye. All those opposed?

Yes, 5 No, 0

moved by Olesen, seconded by Jaenke to adopt T 54

Temporary President of Council Butkowski: Is there any discussion? Please call the roll.

Yes, 5 No, 0

Chief Deputy Clerk of Council Cope: T 54-2006 has been adopted as amended by a vote of five

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING**

APRIL 17, 2006

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to zero and becomes permanent ordinance number 4256-2006.

Permanent Ordinance No. 4256-2006

T 55-2006 AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1444.22,
4257-2006 SUBDIVISION PLAN REVIEW AND INSPECTIONS; APPEAL OF COST
ESTIMATES.

moved by Butkowski, seconded by Jaenke to amend T 55 to add the ordinance
number 4255-2006

Temporary President of Council Butkowski: All those in favor say aye. All those opposed?

Yes, 5 No, 0

moved by Olesen, seconded by Jaenke to dispense with the third reading on T 55

Temporary President of Council Butkowski: Is there any discussion? All those in favor say aye.
All those opposed?

Yes, 5 No, 0

moved by Olesen, seconded by Jaenke to adopt T 55

Temporary President of Council Butkowski: Is there any discussion? Clerk, please call the roll.

Yes, 5 No, 0

Chief Deputy Clerk of Council Cope: T 55-2006 has been adopted as amended by a vote of five
to zero and becomes permanent ordinance number 4257-2006.

Permanent Ordinance No. 4257-2006

UPCOMING MEETING ANNOUNCEMENTS:

Temporary President of Council Butkowski: Upcoming meeting announcements include:

Next Regular Council Meeting Monday, May 1, 2006 at 7:30 P.M. in Council Chambers.

Is there any other announcements?

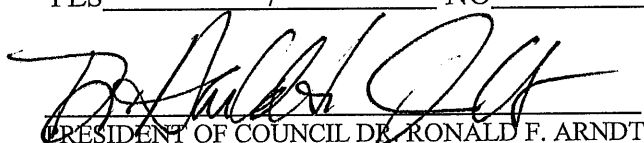
ADJOURN:

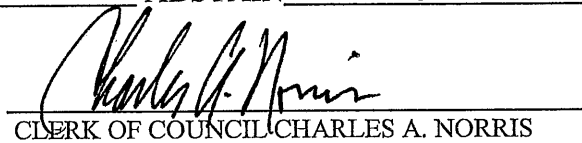
moved by Jaenke to adjourn

Meeting adjourned at 9:25 P.M.

MOTION _____ Boose _____ 2ND _____ Jaenke _____ DATE _____ May 1, 2006
as corrected

YES _____ 7 _____ NO _____ 0 _____ ABSTAIN _____ 0 _____


PRESIDENT OF COUNCIL DR. RONALD F. ARNDT


CLERK OF COUNCIL CHARLES A. NORRIS