

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING APRIL 4, 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 4, 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: Before we move into our minutes for the evening, the Chair and all the members of Council are just tickled to see Mrs. Sullivan back, with us, in our Council meetings. It's nice to have you back. Will the Clerk, please read our minutes.

MINUTES - Corrections (if any) and Approval:

Clerk of Council Norris: Council has before it this evening the Public Hearing Minutes of March 21, 2004 regarding the Smith Agricultural District.

 moved by Butkowski, seconded by Young to group the three public hearings together tonight for approval

President Arndt: Is there any discussion? Will the Clerk please take roll?

 Yes, 5 No, 0 Abstain, 2 (Swindig, Arndt)

Clerk of Council Norris: Motion is approved by a vote of five to zero and two abstentions.

Clerk of Council Norris: Now, Council has before it, public hearing minutes. There were three of them and they are:

Public Hearing Minutes of March 21, 2004 re: Smith Agricultural District

Public Hearing Minutes of March 21, 2005 re: Masny Agricultural District

Public Hearing Minutes of March 7, 2005 re: Grosik & Haputa Agricultural District

 moved by Butkowski, seconded by Young to approve the three public hearings as read

President Arndt: Is there any discussion? Will the Clerk please take roll?

 Yes, 5 No, 0 Abstain, 2 (Swindig, Arndt)

Clerk of Council Norris: Motion is approved by a vote of five to zero and two abstentions.

Clerk of Council Norris: Council also has before it the:
Council Minutes of regular meeting held March 21, 2005

moved by Butkowski, seconded by Olesen to approve our Council minutes of the regular meeting held March 21, 2005.

President Arndt: Will the Clerk please take roll?

Yes, 5 No, 0 Abstain, 2 (Swindig, Arndt)

Clerk of Council Norris: Minutes are approved by a vote of five to zero and two abstentions

Clerk of Council Norris: Council will also please note before them the:
Civil Service Commission Minutes of regular meeting of March 22, 2005

MAYOR AND DIRECTORS REPORTS:

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

• **Mayor**

Mayor Gillock: Good evening and thank you, Mr. President and welcome back Mrs. Sullivan. First, I would like to make a motion to suspend by-laws to introduce a piece of legislation that you will find at your desk this evening. Previously, Council passed Ordinance 4095-2005 authorizing the amount of 675 thousand dollars for the Lear Nagle Road improvements and the ordinance stated that the amount included the State Economic Grants that were received, which were in the amount of 330 thousand. Those grants are on top of the 675 thousand. In fact, we authorized the borrowing of 900 thousand dollars to fund this project, which will all be paid back or paid in place of by the grant and by the TIFF project.

moved by Mayor Gillock, seconded by Olesen to suspend By-Laws tonight to introduce T 59 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: Thank you. I would also like to advise Council and residents that Bainbridge Road will be closed this Saturday, April 9 from 7:00 A.M. until 11:00 A.M. for the purpose of conducting the Police Patrolman Class C Agility Test and ask that everyone please avoid Bainbridge between Root Road and Avon Belden during that time.

I would also like to advise Council and residents that NOPEC and Green Mountain Energy have agreed on a two year extension of the current electricity contract. That contract will now run through 2008 and they will continue to work on the gas program.

Council and residents will be glad to know that a new American Legion Post has been formed and started in North Ridgeville. It is Post 802 and their first meeting will be April 14 at 7:00 P.M. at the Library. In the future, all meetings will be held on the second Thursday of the month at the Library.

Lastly, the City's current Cable television franchise agreement with Comcast has expired. However, the law firm of Walter and Haverfield, which the City has retained to assist it in the franchise and renewal process, has advised that the current franchise with Comcast will continue until it is either formally terminated by the City or a new agreement is entered into. Walter and Haverfield has also advised that, although the franchise with Comcast is not exclusive, the City must complete negotiations with Comcast for a new franchise before it can offer the franchise to another company. We are not really looking at that. This is a formal process that we have to go through. The Cable television renewal process is governed by federal law and under the federal mandated process, the City must hold a public hearing to permit North Ridgeville residents to comment on Comcast's performance under the current franchise and to also comment on the community's future cable television needs and interest as they may relate to a new franchise. Accordingly, I move that a public hearing be set for April 18 at 7:00 P.M. for the purpose of giving the residents of North Ridgeville an opportunity to comment on the performance of Comcast during the term of its current franchise with the City and to comment on the community's future cable television needs and interest as they may relate to terms and conditions for a new franchise agreement. The purpose of the public hearing is to hear from the City residents and therefore, Comcast will not be permitted to respond during the hearing.

moved by Mayor Gillock, seconded by Jaenke to establish a public hearing that would be set for April 18 at 7:00 P.M. with regard to the Comcast contract.

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: Thank you and that meeting will be held right here prior to the next Council meeting. Also, Walter and Haverfield has recommended that a task force be appointed for the purpose of assisting City Council in investigating and evaluating the performance of Comcast during the current franchise agreement and in determining the community's cable television related needs and interest as they may relate to the terms and conditions of a new franchise. Accordingly, I move that my office be authorized to appoint a task force of no more than seven persons to investigate and evaluate the performance of Comcast under the current franchise and to make recommendations to City Council regarding the community's cable television related needs and interest as they may pertain to terms and conditions under a new franchise agreement. The task force will perform its duties under the guidance of Walter and Haverfield and the City's Law Director. The task force will be directed to make a report to City Council on the aforesaid subject as soon as possible, but no later than September 30, 2005.

moved by Mayor Gillock, seconded by Young that the Mayor's office be authorized to appoint a task force of no more than seven people to investigate and evaluate the performance of Comcast under the current franchise and to make recommendations to City Council regarding the community's cable television related needs and interest as they may pertain to terms and conditions under a new franchise agreement

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

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. In the hope that winter is finally over, I'll speak of it in the past tense, we had a grand total of 105.5 inches of snow for the season at Hopkins Airport, breaking the all time record. The lane miles that we are responsible to plow grow rapidly, but we have managed to make it through the season with reduced budget, one less truck and fewer employees. The employees of our service department deserve high praise for pulling off a nearly impossible task.

Again, in the hope that winter is finally over, hot patch season should begin on either April 11 or the 18. We have been using more expensive and less durable coal patch to fill only the worst potholes. When hot patch becomes available, crews will begin permanent patching in all areas of the city.

With the assistance of Assistant Council Clerk, Paula Cope and our Computer Services Department, we have upgraded the use of our Channel 12 Cable Broadcast Channel. At no cost to the city beyond regular employee labor, we now have the ability to broadcast recorded video. We will begin broadcasting an informational video on issues the City has on the May ballot. The first broadcast is scheduled for 2:00 P.M. tomorrow. It will repeat every four hours until election day. The system is still a bit crude, but inexpensive improvements will allow us to increase the quality and the recording time in the near future. With longer recording times, we could use the system to rebroadcast Council meetings and other public events and activities.

A related improvement has been made to the City website. Streaming video will soon be added to the website allowing visitors to view the same video in a more compressed format.

Finally, Bender Road was closed today for road reconstruction in cooperation with Forest City and Pulte Homes. Under the agreement, the work will be done by City crews and materials will be paid for by Forest City. The road is scheduled to be reopened on April 29. That concludes my report.

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. Tonight I have with me, the City of North

Ridgeville Storm Water Management Program 2005 Annual Report, which we must have into Ohio EPA's hands by April 7th. In this report, we say, here is what we said we were going to do to improve the City storm water discharge to the Black River. Here is what we did to improve the water discharge and here is what we are going to do in the future.

This report talks about such items like, what education materials we have available to the public. What we are doing to eliminate sanitary waste discharge to our streams and ditches. What we are doing to keep our streams and ditches clean of debris. What we are doing to preserve the beauty of mother nature through out the City and so on.

I also have with me, just for comparison, a copy of the original program that we submitted in 2003. Here is a copy of the first annual report and, of course, here is a copy of this year's report. Now, as you can see, they seem to be getting thicker as time goes on. That is both good and bad. From the standpoint of preparation in getting the report, it takes a lot more time and effort to get the report ready. It also indicates that we are doing something and that is the good side.

I would like to thank the Board of Drainage and Flood Control for there help in providing material for this year's report. I would also like to give a really big thank you to the Service Department for their help because they are responsible for about 40 percent of this report.

In closing, I would like to remind everyone to keep their ditches clean, to pick up after their pets, to have their septic tanks cleaned regularly, to not over fertilize their lawns and to remember all of the other things I spoke about in the previous year. Doing these acts of kindness to mother nature makes compiling this report much easier. Thank you, Mr. President.

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. There is no formal written report due tonight. I would like to bring to Council's attention, T 57 and explain what that is. That is the roll over of the bond anticipation notes related to our westerly sanitary sewer project. This will be the final year of the roll over, perhaps, if we decide to go to bonds next year and complete that special assessment project. Once we have this issued, we will also be able to determine the costs related to that project including interests, construction costs and so forth that are going to have to be assessed. That ordinance was prepared for tonight's meeting upon our request. It needs to be passed, not tonight. It could be passed either tonight or at the next Council meeting, but when it is passed, it will have to have the emergency because the notes that it is replacing expire or mature on May 4, so if it is Council's wish to pass it either tonight or at the very next Council meeting, I would appreciate that you do that with the addition of the emergency. That concludes my comments. Thank you.

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:
Visitors Bureau 2004 Annual Report; and
Police Department Activity Report for February 2005.

President Arndt: We now move to our Council Committee Reports.

COUNCIL COMMITTEE REPORTS:

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

1) **BUILDINGS & LANDS COMMITTEE REPORT #5557** We have considered the matter of T 26-2004, an ordinance amending 3979-2004, regulating adult cabarets and recommend that this request be approved and this legislation be adopted.

Signed: Chairperson Richard W. Jaenke and Member Robert W. Olesen.

moved by Olesen, seconded by Jaenke to accept the Building and Lands Committee Report #5557, which relates to T 26-2005

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

2) **UTILITIES COMMITTEE REPORT #5558** We have considered the matter of a customer service program for the Utilities Department which will allow customers to receive electronic billing statements and to view and interact with their accounts on-line and recommend that this request be approved and referred to the Finance Committee to determine the City's ability to contract for said services.

Signed: Chairperson Andrew Young and Members Nancy J. Buescher and Bernadine Butkowski.

moved by Young, seconded by Butkowski to accept the Utilities Committee Report #5558

President Arndt: Is there any discussion?

Council Member Buescher: Mr. President. I would just like to say that this is a program that will be very beneficial to the City and Mr. Whitlock believes that all the monies needed to put this program into effect are already available and appropriated within his department. We are looking forward to this. It should be very beneficial.

President Arndt: Thank you, Mrs. Buescher. 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: 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 memo from Health Commission Kenneth G. Pearce announcing the Board of Health approval of the 2006 estimated income and budget request. The amount of local contribution for the Health District's 2006 budget apportioned among political

subdivisions will be \$466,660.00 to be apportioned in two payments.

President Arndt: The Chair REFERS THIS TO THE FINANCE COMMITTEE

- 2) Received a memo from Council Member Nancy Buescher explaining the proper way to make a motion.
- 3) Received a letter from O.D.O.T. Administrator, Office of Estimating, submitting an executed co-operative contract with regard to U.S. 20 paving project.
- 4) Received a memo from Mayor Gillock in regard to a subordination agreement policy and requesting referral to the Finance Commission.

President Arndt: The Chair REFERS THIS TO THE FINANCE COMMITTEE

Council Member Young: Mr. President, we actually received an anonymous piece of correspondence. I think all of us did. It was dated March 7 and it was directed to the Law Director and copied to all Council Members. I would like to read it just very briefly and see if we can't have the Building and Lands Committee go into it. It said, "The problem with parking on the grass and front yards of Main Avenue has increased to a point that will impact the property values on Main Avenue. During this wet Winter, the front yards are turning into mud. Enforcement of no parking on the front yards has been left to complaints from other property owners and I feel that it is the city's responsibility. Therefore, I am requesting the city look into this issue and take corrective measures. I am withholding my name because of personal concerns." I imagine this individual is concerned about retribution from his neighbors. I would like to ask that this issue be referred to Buildings and Lands.

President Arndt: The Chair REFERS THAT TO BUILDINGS AND LANDS COMMITTEE.

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

NEW BUSINESS:

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

Petition to rezone property at 35015 and 36721 Chestnut Ridge Road from R-1 Residence District to B-3 Highway Commercial District and owned by Robert P. Ellis, Jr., Trustee

President Arndt: The Chair REFERS THIS TO BOTH PLANNING COMMISSION AND BUILDINGS AND LANDS COMMITTEE.

Request for D5 liquor permit transfer from Jorge Serrat, DBA McNamara's 33135 - 45 Center Ridge Road to Hirz & Hirz Enterprises, Inc., DBA Bullfrogs Sports Cafe, same address

President Arndt: The Chair at this time, chooses to ask Council if they have any objections to granting this liquor permit transfer at this location.

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?

Mayor Gillock: Mr. President. I had the Treasurer check if Mr. Serrat is current on all his taxes. This is something that we would like to start checking on in the future. When we get these in we will check just make sure that they are current with the city on what they might owe us. This one is current.

President Arndt: Thank you. 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

Parks and Recreation Commission request for approval of the following expenditures from the Parks & Recreation Improvement Fund:

- 1) \$5,000.00 matching grant monies for the purchase of products made from recycled materials

 moved by Olesen, seconded by Young to approve the five thousand dollar matching grant monies

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) \$4,260.00 purchase of three (3) new computers for the Parks and Recreation Office
 moved by Butkowski, seconded by Young to approve four thousand, two hundred and sixty dollars for the purchase of three new computers for the Park and Recreation office

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) \$1,600.00 purchase of outfield fencing for Shady Drive Complex
 moved by Butkowski, seconded by Olesen to approve sixteen hundred dollars for the purchase of outfield fencing for Shady Drive Complex.

President Arndt: Is there any discussion?

Council Member Buescher: Mr. President. I would just like to mention that this money is already in the Parks and Recreation Improvement Fund and they simply need approval from Council to use these expenditures.

President Arndt: Thank you for that clarification. 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: We have now reached the Audience Participation section of our meeting.

AUDIENCE PARTICIPATION (Lobby):

President Arndt: Any members of our audience, tonight, are invited 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. Please state your name and your address clearly and limit your comments to three minutes. The lobby is now open.

1) Karen Evans of 7371 Dyke Avenue expressed the health and safety concerns with regard to the Dyke Road sewer request and asked for specific dates on when a sewer would be put in for those residents.

President Arndt: Thank you, Mrs. Evans.

Mayor Gillock: Mr. President. May I have a chance to respond? We are aware of the problem down there. Mrs. Evans did not contact my office to determine what might be being done. We have been working on this. We have met with a developer with a plan that did not come to fruition. In the meantime, we have made an application and have an estimate of the cost of the sewer, which is approximately 700 thousand dollars. We have made an application some time ago, through Sherrod Brown's office, for a Corp of Engineer's grant to address that situation. Keep in mind, as of today, we don't have a sewer to hook onto down there, so it can't be done yet. In the mean time, the County Health Department who is the one that is responsible for septic systems and aeration systems did a study down there last August. Out of the 23 homes that are down there, five have septic systems and none of them are properly maintained. They are all leaching into the ditches. There are 18 aeration systems and nine of those which were not working properly. So, fully, 60 percent of the systems down there are not properly maintained. Yet, the Health Department has not made those residents spend that money while we investigate ways we might be able to get sewers down there. So, the City is moving on this but it is incumbent upon the residents to maintain those systems. If all those systems were maintained properly, you would not have that contamination in the ditches to start with. The City does have a grant application in and we are looking at other opportunities. As we move forward, when we get a sewer down Center Ridge Road, we will have something that we can look at hooking it to. To date, there is no where to go with it. I want to make it clear that one of the issues is, is the maintenance of the systems that are there, which the County Health Department will be taking a look at again in light of the comments that have come up recently. They can make residents put a two year maintenance program on their systems and report to them annually on what has been done with them and we have not done that to date. We don't really want to do that, but they need to be maintained. Thank you.

Safety-Service Director Johnson: Mr. President. I would like to add that I did talk to Mrs. Evans and I explained to her that the Community Health Partners matching money is being put up for a grant that we are applying for and we are doing the same thing for her street. There is not a lot of difference, just different types of grants. So, we are doing somewhat the same thing. I would also like to add that we are not pumping sewage into that Dyke Road ditch. It is coming from the residents there and I strongly suspect that somebody is emptying their septic tank into the ditch on purpose. If anybody knows of something going on there and if you know where this discharge is coming from, give us a call. We could take care of it. Thank you.

President Arndt: Thank you, Mr. Johnson. Is there anyone else in the lobby that would like to

approach and make comments to your Council?

2) Karen Toich of 36765 Chestnut Ridge Road explained her concerns of the City rezoning property located on Chestnut Ridge. She explained that there are deed restrictions on this property. The deed restrictions were placed back in 1955. She stated that she noted that these restrictions were not included on the Ellis property deed. One of the restrictions on her deed was that it be used as residential homes. Her concern was if the city was aware of these restrictions when considering the rezoning of that property.

Mayor Gillock: Mr. President, that is something that the petitioner having it rezoned would have to look into. He would have to check with his title company and be sure where and what they can do or can't do and that would have to be up to them.

3) Gene Kleinholz of 7324 Dyke Avenue expressed his concerns on the requests for sewers down Dyke Avenue. He explained the reports he received which were completed by French Creek and the Board of Health. He further provided specifics from those reports as it relates to the E. Coli counts.

4) Lois Sullivan of 5880 Jaycox Road announced the North Ridgeville Historical Society will be holding their annual dinner on the 27th of April. Reservations will have to be in by the 20th.

5) Boyd Lewis of 36695 Chestnut Ridge Road expressed his concerns of the rezoning of the property adjacent to him. His concern is that this hospital is going to put a driveway next his window, thirty feet away. He explained that his deed also indicates restrictions.

Council Member Buescher: May I speak, Mr. President? Mr. Lewis, this rezoning is not going through at this point. It has been referred to the Building and Lands Committee where it will be discussed and then referred back to Council, whatever the Building and Lands and the Planning Commission decide. At that time, you would be notified of the rezoning. At this point, nothing is rezoned.

6) Jon Tipple of 36655 Chestnut Ridge Road explained his concerns with the time the meetings are being held. He explained that eight o'clock in the morning doesn't work for residents to attend that have to be at work at eight o'clock and asked if these meetings could be moved to a time when people could attend them.

Mayor Gillock: Planning Commission meetings are held at seven o'clock in the evening on the second Tuesday of the month. The Buildings and Lands Committee is scheduled by that Chairman and is not a set time. Perhaps Mr. Jaenke would be able to arrange something in the evening. However, the Planning Commission is a regular monthly meeting held at seven o'clock on the second Tuesday and they meet in Council Chambers.

Mr. Tipple asked if the Buildings and Lands Committee meeting could be arranged so that everybody could participate.

7) Cheryl Sotherland of 36815 Chestnut Ridge Road expressed her concern of how this rezoning will affect her property value. She stated that the peace and serenity of what they had when they moved in is slowly being eaten up. She asked for Council's consideration as far as the residents are concerned, prior to making a decision on whatever they plan on doing.

President Arndt: Mrs. Sotherland, just as a followup to what Mrs. Buescher has stated is that it is our intent and it is certainly the protocol that none of this stuff is just dropped in somebody's lap. You will have many opportunities to share your feelings and to make certain that you feel you are heard and whatever concerns and issues you might have, along with any of the other thirteen residents. You will clearly have that opportunity to bring that to the attention of not only the Buildings and Lands but the Planning Commission as well as any of the people who are involved in the process. So, while I think we all have some empathy here with regards to whether that is going to impact you or your families, please recognize that the process is in place for us to really take that into very careful consideration. Thank you.

President Arndt: Who else in the audience would like to address your City Council?

moved by Arndt, seconded by Jaenke to dispense with our recess tonight
President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

President Arndt: Will the Clerk please read 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 54-2005 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR THE RECONSTRUCTION OF THE INTERSECTION OF LORAIN ROAD AND ROOT ROAD PAVEMENT, INCLUDING TURNING LANES, TRAFFIC SIGNALS, AND OTHER APPURTENANCES, AND TO NEGOTIATE AND ENTER INTO A CONTRACT WITH A CONSULTING ENGINEERING FIRM FOR PLANS, SPECIFICATIONS, AND CONSTRUCTION PHASE SERVICES FOR SAME, NOT TO EXCEED \$732,000.00.

moved by Olesen, seconded by Jaenke to suspend our By-Laws tonight to give T 54 its'

first reading tonight

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

Yes, 7 No, 0

T 55-2005 AN ORDINANCE AMENDING ORDINANCE 3962-2003 BY INCREASING
THE AMOUNT FROM \$100,000.00 TO \$107,500.00 FOR THE
CONSTRUCTION OF THE CENTER RIDGE ROAD SEWERS.

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

President Arndt: Is there any discussion?

Mayor Gillock: This is for some re-engineering on the Center Ridge Road East Project. We have found that if we redirect the force main from Savannah to go west rather than into our lift station by Becker's that we could open up some capacity that we need in another area. We need to get this passed in order to complete the engineering and to continue with the project.

President Arndt: How urgent? Is this something you would like handled this evening? Will it require an emergency?

Mayor Gillock: Yes, this evening.

Council Member Butkowski: Mr. Chairman, I would like to ask the Engineer a question. With regard to this money for the east sewer, have you also included money to clean the sewer out? We talked about the lift station going north on Route 83. You said that there was some clogging in there and you were waiting for a report to come back on that. Is that included in this as we will be pumping into that too.

Engineer Griffith: There is no money in this for that, no.

Mayor Gillock: Mr. President, This is only for engineering. This isn't part of actual construction costs. We have looked at what Council Member Butkowski has mentioned and we are looking at a couple ways of cleaning out the pipe that comes out of the lift station. Safety-Service Director Johnson may speak to it. We are looking at a couple ways to do it. That is a six inch line that is gunked up to where it is about a four inch line now. We are looking at ways of cleaning that out.

Council Member Butkowski: Ok, I just wanted to be sure that it was included in this project because it's not going to get any better. If we're going to put more in there, we have to make sure that it leaves the pump station.

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

Yes, 7 No, 0

T 56-2005 A RESOLUTION REQUESTING THE OHIO GENERAL ASSEMBLY TO
CONTINUE ITS HISTORY OF PARTNERSHIP WITH OHIO'S LOCAL
GOVERNMENTS AND RETAIN FUNDING FOR THE LOCAL
GOVERNMENT FUNDS AT THE PERMANENT LAW FORMULA.

moved by Mayor Gillock, seconded by Olesen to suspend our By-Laws tonight to give T
56 it's first reading tonight

President Arndt: Is there any discussion?

Mayor Gillock: Mr. President, the General Assembly is discussing this as we speak. In fact, the House of Representatives has already completed their version budget and will be sending it to the Senate this week. We need to get this down to them as fast as we can.

President Arndt: Sounds like an emergency here. Thank you. All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

T 57-2005 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$6,790,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE PROPERTY OWNERS' PORTION, IN ANTICIPATION OF THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS, AND THE CITY'S PORTION OF THE COST OF CONSTRUCTING A SANITARY TRUNK SEWER, TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO, FROM AN EXISTING MANHOLE IN CASE ROAD AT THE NORTHERN CORPORATE BOUNDARY OF THE CITY SOUTH IN CASE ROAD A DISTANCE OF APPROXIMATELY 300 FEET AND THEN EASTERLY AND SOUTHERLY IN CITY EASEMENTS, PROPERTIES AND RIGHTS-OF-WAY TO A POINT APPROXIMATELY 2,400 FEET EAST OF AND 2,600 FEET SOUTH OF THE INTERSECTION OF RACE ROAD AND SUGAR RIDGE ROAD.

moved by Butkowski, seconded by Olesen to suspend our By-Laws tonight to give T 57 its' first reading tonight

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

Yes, 7 No, 0

T 58-2005 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO A REAL ESTATE SALES AGREEMENT WITH THE CLEVELAND ELECTRIC ILLUMINATING COMPANY FOR THE PURCHASE OF APPROXIMATELY 67.83 ACRES OF LAND LOCATED ON COOK ROAD IN THE CITY OF NORTH RIDGEVILLE, IN THE APPROXIMATE AMOUNT OF \$25,000.00.

moved by Buescher, seconded by Jaenke to suspend our By-Laws tonight to give T 58 its' first reading tonight

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

Yes, 7 No, 0

President Arndt: Will the Clerk please begin our First Readings of the evening.

• **First Readings**

Clerk of Council Norris: First readings before Council tonight:

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

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

T 59-2005 AN ORDINANCE AMENDING ORDINANCE NO. 4095-2005 BY
4130-2005 CHANGING THE WORD "INCLUDING" (AS IT PERTAINS TO THE STATE
ECONOMIC DEVELOPMENT GRANT) TO "IN ADDITION TO" AND WILL
READ AS FOLLOWS: AN ORDINANCE AUTHORIZING THE MAYOR TO
ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING
TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST
AND BEST BIDDER FOR THE LEAR NAGLE ROAD IMPROVEMENTS
PROJECT, INCLUDING APPURTENANCES THERETO ASSOCIATED
WITH THE WALGREENS CONSTRUCTION PROJECT, IN THE
APPROXIMATE AMOUNT OF \$675,000.00, IN ADDITION TO THE STATE
ECONOMIC DEVELOPMENT GRANT, SUBJECT TO THE AVAILABILITY
OF THOSE FUNDS AND DECLARING AN EMERGENCY.
First Reading
moved by Butkowski, seconded by Olesen to dispense with second and third
readings on T 59

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

Yes, 7 No, 0

moved by Butkowski, seconded by Olesen to adopt
moved by Butkowski to add the emergency because this project is in process and
we have to keep on going with it, seconded by Olesen

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 Mrs. Butkowski and a second by
Mr. Olesen to adopt tonight T 59 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

Council Clerk Norris: T 59 is adopted with the emergency and becomes permanent ordinance
4130-2005.

Permanent Ordinance No. 4130-2005

T 54-2005 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
4131-2005 AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A
MANNER PRESCRIBED BY LAW FOR THE RECONSTRUCTION OF THE

INTERSECTION OF LORAIN ROAD AND ROOT ROAD PAVEMENT,
INCLUDING TURNING LANES, TRAFFIC SIGNALS, AND OTHER
APPURTENANCES, AND TO NEGOTIATE AND ENTER INTO A
CONTRACT WITH A CONSULTING ENGINEERING FIRM FOR PLANS,
SPECIFICATIONS, AND CONSTRUCTION PHASE SERVICES FOR SAME,
NOT TO EXCEED \$732,000.00.

First Reading

moved by Olesen, seconded by Butkowski to dispense with second and third
readings on T 54

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 Olesen, seconded by Butkowski to adopt

moved by Olesen, seconded by Butkowski to add the emergency to T 54 because
this intersection is a tremendous safety hazard

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 Mr. Olesen and a second by Mrs.
Butkowski to adopt tonight T 54 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

Council Clerk Norris: T 54 is adopted with the emergency and becomes permanent ordinance
4131-2005

Permanent Ordinance No. 4131-2005

T 55-2005 AN ORDINANCE AMENDING ORDINANCE 3962-2003 BY INCREASING
4132-2005 THE AMOUNT FROM \$100,000.00 TO \$107,500.00 FOR THE
CONSTRUCTION OF THE CENTER RIDGE ROAD SEWERS.

First Reading

moved by Butkowski, seconded by Olesen to dispense with second and third
readings on T 55

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 Arndt, seconded by Olesen to adopt

moved by Arndt, seconded by Olesen to add the emergency tonight to T 55

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 the floor by Arndt, seconded by Olesen to adopt
tonight T 55 with the emergency. Is there any discussion?

Council Member Olesen: Mr. President, we need to explain the need to add the emergency.

Mayor Gillock: The emergency is required because the construction of the sewers needs to be completed prior to Center Ridge Road being paved.

President Arndt: Thank you Mayor Gillock. 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

Council Clerk Norris: T 55 is adopted with the emergency and becomes permanent ordinance 4132-2005.

Permanent Ordinance No. 4132-2005

T 56-2005 A RESOLUTION REQUESTING THE OHIO GENERAL ASSEMBLY TO
1041-2005 CONTINUE ITS HISTORY OF PARTNERSHIP WITH OHIO'S LOCAL
GOVERNMENTS AND RETAIN FUNDING FOR THE LOCAL
GOVERNMENT FUNDS AT THE PERMANENT LAW FORMULA.

First Reading

moved by Olesen, seconded by Butkowski to dispense with second and third readings tonight on T 56

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 Olesen, seconded by Butkowski to adopt

moved by Olesen, to add the emergency, the reason being, State cuts in funding for cities is one of the reasons that we have financial problems right now and the sooner they get our feelings, the better, seconded by Butkowski

Council Member Young: Mr. President, I would like to emphasize the importance of this resolution. I would like to thank the Mayor, you and Member Olesen for bringing this resolution forward. This is extremely important. I highly recommend all the citizens in North Ridgeville contact our State Senator, if you know who he is and our State Representative, if you know who he is too. You all owe yourselves the duty to know who these people are so that when you go into the ballot booth, you can vote either for them or against them. Your State Senator is Senator Armbruster. He is a native North Ridgeville individual and your State Representative is Representative Martin and he is from Avon Lake. It is imperative that we tell our State legislators in a very strong voice to not cut the funding to this City because that ultimately affects the services this city can then provide you. Then we're going to end up having to come back to you and ask you to shoulder the burden of additional taxes later on down the road. I would like to make a motion to amend section three, not just have the Clerk of Council forward a copy of this resolution to Senator Armbruster and Representative Martin, but to have the Mayor and or President Arndt hand deliver this, seeing how, if we had isles here, I'd say our esteemed colleagues on the other side of the isle, so that they can actually work the fact that they're all members of the same party and really give them the strong arm treatment to not cut the funding to this City or to any of the other cities and that the State should shape themselves up on their own accord. Thank you.

President Arndt: So, I'm going to have to be a tough guy with Armbruster and Marty. Are you suggesting, did I hear you clearly say that section three, you would like amended that it be sent

certified?

Council Member Young: Hand delivered.

President Arndt: Hand delivered?

Council Member Young: Either by the Mayor or you, Mr. President seeing how you live in the same neighborhood.

Mayor Gillock: They're both home on the weekends.

President Arndt: We have a motion on the floor, let me see if I get this correct, we have a motion on the floor, first, to amend section three to state that the Clerk of Council shall in addition to forwarding, a copy of this resolution to Senator Armbruster and Representative Martin, that it be hand delivered as well.

Council Member Swindig: We seconded it.

moved by Young, seconded by Swindig to amend section three to state that the Clerk of Council shall in addition to forwarding, a copy of this resolution to Senator Armbruster and Representative Martin, that it be hand delivered as well.

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

Yes, 7 No, 0

President Arndt: We also have two other motions on the floor. It was moved by Mr. Olesen, seconded by Mrs. Butkowski to add the emergency tonight to T 56 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

President Arndt: Finally, we have a motion on the floor by Mr. Olesen, seconded by Mrs. Butkowski to adopt tonight T 56 with the emergency and as amended. Any further discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Council Clerk Norris: T 56 is adopted with the emergency as amended and becomes permanent resolution 1041-2005

Permanent Resolution No. 1041-2005

T 57-2005 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES
4133-2005 IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$6,790,000, IN
 ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE PROPERTY
 OWNERS' PORTION, IN ANTICIPATION OF THE LEVY AND
 COLLECTION OF SPECIAL ASSESSMENTS, AND THE CITY'S PORTION
 OF THE COST OF CONSTRUCTING A SANITARY TRUNK SEWER,
 TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK
 INCIDENTAL THERETO, FROM AN EXISTING MANHOLE IN CASE
 ROAD AT THE NORTHERN CORPORATE BOUNDARY OF THE CITY
 SOUTH IN CASE ROAD A DISTANCE OF APPROXIMATELY 300 FEET
 AND THEN EASTERLY AND SOUTHERLY IN CITY EASEMENTS,
 PROPERTIES AND RIGHTS-OF-WAY TO A POINT APPROXIMATELY
 2,400 FEET EAST OF AND 2,600 FEET SOUTH OF THE INTERSECTION OF

RACE ROAD AND SUGAR RIDGE ROAD.

First Reading

moved by Butkowski, seconded by Olesen to dispense tonight with our second and third readings on T 57

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 Arndt, seconded by Butkowski to adopt

moved by Butkowski, seconded by Olesen to add the emergency tonight to T 57 to receive the rollover by May.

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 Arndt and seconded by Mrs. Butkowski to adopt tonight T 57 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

Council Clerk Norris: T 57 is adopted with the emergency and becomes permanent ordinance 4133-2005.

Permanent Ordinance No. 4133-2005

T 58-2005 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND
4134-2005 ENTER INTO A REAL ESTATE SALES AGREEMENT WITH THE
CLEVELAND ELECTRIC ILLUMINATING COMPANY FOR THE
PURCHASE OF APPROXIMATELY 67.83 ACRES OF LAND LOCATED ON
COOK ROAD IN THE CITY OF NORTH RIDGEVILLE, IN THE
APPROXIMATE AMOUNT OF \$25,000.00.

First Reading

moved by Buescher, seconded by Jaenke to dispense tonight with our second and third readings on T 58

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 Buescher, seconded by Butkowski to adopt

Council Member Buescher: Mr. President. I would just like to ask the Mayor if it is necessary to pass this on emergency tonight.

Mayor Gillock: No, thank you.

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

Council Clerk Norris: T 58 is adopted with the emergency and becomes permanent ordinance 4134-2005.

Permanent Ordinance No. 4134-2005

- **Second Readings**

President Arndt: We have no second readings tonight, so I will ask Dr. Norris to begin our third readings with T 5 Revised.

- **Third Readings**

T 5-2005 AN ORDINANCE APPROVING THE FINAL PLAT OF
REVISED SUBDIVISION 8 IN PHASE IV OF MEADOW LAKES PCD FOR
4135-2005 RECORDING PURPOSES ONLY.

Third Reading

moved by Swindig, seconded by Jaenke to adopt tonight T 5 Revised

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 5 is adopted becoming permanent ordinance 4135-2005
Permanent Ordinance No. 4135-2005

T 32-2005 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED
4136-2005 ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO KNOWN AS
THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING
LAND: A PORTION OF PROPERTY LOCATED AT 100 MILLS ROAD,
PERMANENT PARCEL NUMBER 07-00-030-000-055 (AS SHOWN BY
LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE DISTRICT TO B-
1 NEIGHBORHOOD BUSINESS DISTRICT, AND OWNED BY AVENBURY,
LLC.

Third Reading

moved by Arndt, seconded by Butkowski to adopt tonight T 32

President Arndt: Is there any discussion?

Council Member Butkowski: Mr. Chairman, I would like to welcome this concern to a quality development to our City.

President Arndt: Thank you. Any other 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 32 is adopted becoming permanent ordinance 4136-2005
Permanent Ordinance No. 4136-2005

T 35-2005 AN ORDINANCE APPROVING THE FINAL PLAT OF SUBDIVISION 9,
4137-2005 PHASE 4 WITHIN MEADOW LAKES PCD FOR RECORDING PURPOSES
ONLY.

Third Reading

moved by Olesen, seconded by Swindig to adopt tonight T 35

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

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING APRIL 4, 2005**

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Clerk of Council Norris: T 35 is adopted becoming permanent ordinance 4137-2005
Permanent Ordinance No. 4137-2005

OLD BUSINESS:

President Arndt: Is there any old business to be brought before Council? Then I would ask the Clerk to read our upcoming meeting announcements.

UPCOMING MEETING ANNOUNCEMENTS:

Clerk of Council Norris:

Next Regular Council Meeting Monday, April 18, 2005 at 7:30 P.M. in Council Chambers.

Public Hearing on April 18, 2005 at 7:00 P.M. regarding Cable TV.

President Arndt: Any other comments from Council?

Council Member Young: Yes, Mr. President. We are going to have a Utilities Committee meeting 8:00, Thursday morning. All are welcome.

President Arndt: Thank you. Any other announcements.

ADJOURN:

moved by Swindig to adjourn

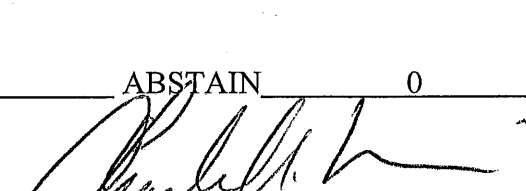
President Ronald Arndt: Meeting adjourned.

Meeting adjourned at 8:53 P.M.

MOTION Buescher 2ND Jaenke DATE April 18, 2005

YES 7 NO 0 ABSTAIN 0


PRESIDENT OF COUNCIL DR. RONALD F. ARNDT


CLERK OF COUNCIL CHARLES A. NORRIS