

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING APRIL 2, 2007**

CALL TO ORDER: 7:30 P.M.

President Ronald Arndt: The Chair calls to order tonight, the North Ridgeville City Council Regular meeting dated Monday, April 2, 2007. If you will please all rise for our Invocation, followed by our Pledge.

INVOCATION: lead by President Arndt.

PLEDGE OF ALLEGIANCE: by all.

President Arndt: Dr. Norris, will you please take our roll.

CALLING OF THE ROLL - ROLL CALL:

Present were Council Members Nancy Buescher, Dennis Boose, Richard Jaenke, Bob Olesen, Bernadine Butkowski, Gayle Manning and President Ronald Arndt.

Also, present were Mayor David Gillock, Safety-Service Director Denny Johnson, Law Director Andrew Crites, Engineer Larry Griffith, Deputy Auditor Donna Kiraly, and Clerk of Council Charles Norris.

MINUTES - Corrections (if any) and Approval:

Clerk of Council Norris: Minutes before Council this evening include:

Public Hearing Minutes of March 19, 2007 re: T 162-2007

moved by Boose, seconded by Buescher to approve

President Arndt: Is there any discussion? The Chair would like to make a notation that the date for both the Public Hearing of March 18, 2007 and the Council minutes to soon follow, should be corrected to read March 19, 2007 on the agenda. Is there any other discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Minutes are approved.

Council Minutes of regular meeting held March 19, 2007

moved by Jaenke, seconded by Manning to approve the Council minutes of the regular meeting held March 19, 2007

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

Yes, 7 No, 0

Clerk of Council Norris: Minutes are approved. Council will also note in their packet are the:

Parks & Recreation Commission Minutes of regular meeting February 28, 2007.

MAYOR AND DIRECTORS REPORTS:

President Arndt: We will now move onto the Mayor and Directors reports this evening. The Chair invites the Mayor and Directors, the opportunity to present an oral report to City Council. We would like to begin tonight with our Mayor, Mr. Gillock.

- **Mayor:**

Mayor Gillock: Thank you, Mr. President. I believe most of you are already aware, however, if not, this is to advise you that Tom Jelep is from Ostendorf-Morris will be contacting each Council Member individually to give them a more in depth report and review of their activities to supplement the monthly written reports, which they already provide and are being forwarded to Council Members. If they have not yet contacted you, they soon will be as they have already met with some of the Councilmen.

We have begun the process of going out for bids for our various construction projects. We held one bid opening last week that is of some interest to many people and that is the Bagley, Lorain intersection. That bid came in at about 16,000 dollars, which was under the Engineer's estimate and is good news for the City. That project should begin in about four to six weeks depending on a number of factors.

The City is also working with the Community Development Advisory Board and the Chamber of Commerce to conduct a short business survey. Most businesses should have received a short survey in the mail this weekend or may be receiving it today. If you have not received it yet, you can go to the Chamber of Commerce website at www.nrchamber.com and complete the survey online. It is a very short survey to provide us feedback from our businesses as to how we are doing and what they feel our needs and priorities are. That is www.nrchamber.com. We appreciate any business filling out the survey or returning the one they received in the mail. Thank you and that concludes my report.

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

- **Safety-Service Director:**

Safety-Service Director Johnson: Thank you, Mr. President. With the nicer weather, we are seeing more pedestrians and kids on bikes. Every year we get an increase in complaints of speeding motorists when the weather warms. This year, we've added a new tool to help slow these vehicles down. These signs are made of recycled material and were purchased with our recycle grant money. We have a limited supply of these signs, so we will need to share them. If

you would like to display one on your lawn, stop by the administrative office and pick one up. We ask that you keep it displayed for one month and return it to the Administrative office at City Hall so another resident can use it. That concludes my report.

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

- **Engineer:**

Engineer Griffith: I have no report tonight. Thank you.

President Arndt: Thank you, Mr. Griffith. Mrs. Kiraly, we now have the opportunity to hear from our Auditor.

- **Auditor:**

Deputy Auditor Kiraly: I have no report. Thank you.

President Arndt: Thank you. Dr. Norris will you continue on with our other reports, please.

- **Other Reports:**

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

OM Public Sector Solutions Report of activity through March 13, 2007;
Police Department Support Car Report for February 2007; and
Water System Operation Report for February 2007.

President Arndt: Thank you, Dr. Norris. Will you move on to our Council Committee Reports, please.

COUNCIL COMMITTEE REPORTS:

Clerk of Council Norris: Council has three Committee Reports this evening include:

1) **BUILDINGS & LANDS COMMITTEE REPORT #5654** dated March 26, 2007.

Members of Council: We have considered the matter of T 173-2007, amending Chapter 1028, Ditches, Watercourses and Drainage Improvements to allow the City to recoup its expenses for maintaining waterways on private property and to clarify the responsibility of private landowners and recommend that this request be approved and T 173-2006 be adopted by Council as revised in the attached T 173-2006 revised.

Signed: Chairperson Jaenke and Member Olesen.

moved by Jaenke, seconded by Olesen to accept the Building & Lands Committee Report

#5654 regarding T 173-2006 as revised

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

Yes, 7 No, 0

2) BUILDINGS & LANDS COMMITTEE REPORT #5655 dated March 26, 2007.

Members of Council: We have considered the matter of T 30-2007, an ordinance repealing Chapter 1423 and replacing it with the most current edition of the residential code of Ohio; and recommend that T 30-2007 be adopted by Council.

Signed: Chairperson Jaenke and Member Olesen.

moved by Jaenke, seconded by Olesen to accept the Building & Lands Committee Report #5655 regarding adopting T 30-2006

President Arndt: Is there any discussion?

Council Member Butkowski: Mr. Chairman, unfortunately, we don't have a lot of decisions to make on this. It seems like our legislature or other powers to be, down in Columbus, seem to be taking away more and more powers of chartered cities and this is just proof of it right here, where we can't have more control over our ordinances for construction in our own City. If we make changes, as I've been told, that it jeopardizes some of the permits and some of the things that our Building Department has to be licensed under and I just think that it is unfortunate that Columbus is taking away home rule.

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

Yes, 6 No, 1 (Butkowski)

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

3) BUILDINGS & LANDS COMMITTEE REPORT #5656 dated March 26, 2007.

Members of Council: We have considered the matter of T 17-2007, an ordinance to re-zone approximately 13.05 acres located on the southeast corner of Butternut Ridge Road and Bagley Road from R-1 Residence District to SDD Special Development District and owned by Bagley Lorain Properties LLC and recommend that this request be approved and T 17-2007 be adopted by Council.

Signed: Chairperson Jaenke and Member Olesen.

moved by Jaenke, seconded by Olesen to accept the Building & Lands Committee Report #5656 regarding the adoption of T 17-2006

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

Yes, 7 No, 0

CORRESPONDENCE:

President Arndt: We now move to Correspondence for which there is none. We have no new business this evening. We find ourselves now in our Audience Participation section of our meeting.

AUDIENCE PARTICIPATION (Lobby):

President Arndt: Any Member of our audience tonight is welcome and invited to address your City Council. We do request though, that should you choose to speak at the podium immediately to the right of Mrs. Buescher, if you will fill out the lobby form that you can find in the back of the room because it does enable us to contact you personally, should there be a need for any individual followup. When you come to the podium, please clearly state your name and your address. Please limit your comments to threes minutes. The lobby is now open.

1) Mr. Anthony Nici of 6043 Creekside Lane spoke regarding the traffic concerns on Lear Nagle *and Chestnut Ridge and Lear Nagle and Center Ridge Road* and offered ideas as his solution. He spoke regarding the possibility of the City providing a leaf collection service. He also spoke regarding FEMA and the mistakes they have made in determining housing within the current flood zones and noted that the City should spend the money to have the flood zones reviewed.

President Arndt: Thank you, Mr. Nici. Who else would like to address your City Council.

2) Mr. Alex A. Priel of 5556 Opal Street stated that he is a resident of ward two. As a concerned citizen, he refuted Mr. Nici's comments regarding the traffic on Lear Nagle *and Center Ridge* and noted that he travels Lear Nagle everyday and didn't feel there was a problem. He suggested that a study regarding this problem be done by using police presence.

President Arndt: Who else in our audience would like to address your City Council.

moved by Arndt, seconded by Boose to dispense with 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

RECESS: dispensed with

President Arndt: That gives us the opportunity now to move with dispatch into our Ordinance and Resolutions. Dr. Norris, if you will begin with T 34.

ORDINANCES AND RESOLUTIONS:

Clerk of Council Norris:

T 34-2007 AN ORDINANCE AMENDING NRCO SECTION 1228.01 AND REQUIRING HOMEOWNER ASSOCIATION (HOA) MANAGEMENT COMPANIES TO POST A BOND SECURING THE REPRESENTED NORTH RIDGEVILLE HOMEOWNERS AGAINST ANY WRONGDOING BY THE MANAGEMENT COMPANY.

President Arndt: THE CHAIR REFERS T 34 TO THE ADMINISTRATIVE COMMITTEE.

T 35-2006 A RESOLUTION FOR THE PURPOSE OF ADOPTING THE HOUSING
REVOLVING LOAN FUND ADMINISTRATION AGREEMENT BETWEEN
THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT AND THE
CITY OF NORTH RIDGEVILLE.

moved by Mayor Gillock, seconded by Olesen to suspend the By-Laws tonight to give T
35 its first reading

President Arndt: Is there any discussion?

Mayor Gillock: Mr. President, when we get to that point, we would like to have this passed with
the emergency, if we could. This is our agreement between the City and the State to operate our
Community Housing Improvement Program and from which, we receive approximately 250,000
dollars a year. We use this money for first time home buyers for the purchase of homes, safety
upkeep and emergency repairs for low and moderate income. We certainly want to keep that
program in place. I would appreciate Council's attention to this. Thank you.

President Arndt: Is there any other discussion? For clarification, we have a motion on the floor
by Mayor Gillock and a second by Mr. Olesen to suspend our By-Laws tonight to give T 35 its
first reading. All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

T 36-2007 AN ORDINANCE ENACTING PROVISIONS REGULATING MUNICIPAL
CEMETERIES IN THE CITY OF NORTH RIDGEVILLE, OHIO.

President Arndt: THE CHAIR REFERS T 36 TO THE ADMINISTRATIVE COMMITTEE.

That concludes our Ordinance and Resolution Submittals. Dr. Norris, if you will begin our First
Readings with T 8.

• **First Readings**

Clerk of Council Norris: First Readings tonight include:

T 8-2007 AN ORDINANCE AMENDING CHAPTER 1024, SIDEWALKS, TO REFLECT
REVISED CHANGES TO THE SIDEWALK DEPOSIT REQUIREMENTS.
First Reading

T 29-2007 A RESOLUTION TO APPROVE WITH MODIFICATION THE
1100-2007 APPLICATION MADE BY JOSEPH M. & JOYCE M. MARIE SOLOMON TO
HAVE CERTAIN LAND OWNED BY THEM DESIGNATED AS BEING
LOCATED WITHIN AN AGRICULTURAL DISTRICT.

First Reading

moved by Arndt, seconded by Boose to suspend the By-Laws tonight to dispense
with the second and third readings on T 29

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, the matter has already come before us during the Public

Hearing this evening and there were no negative comments. It is my opinion we should move swiftly to accommodate the request.

President Arndt: In addition and as a reminder for Council, once this legislation has had a Public Hearing, we have 30 days to get the appropriate paper work off to the County. While there is no need for an emergency, as Mr. Boose has declared, this has already been through either the fourth or fifth renewal process. Any other discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

moved by Boose, seconded by Butkowski to adopt tonight T 29

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

Yes, 7 No, 0

Clerk of Council Norris: T 29 is adopted and becomes permanent resolution number 1100-2007.
Permanent Resolution No. 1100-2007.

T 35-2006 A RESOLUTION FOR THE PURPOSE OF ADOPTING THE HOUSING
1101-2007 REVOLVING LOAN FUND ADMINISTRATION AGREEMENT BETWEEN
 THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT AND THE
 CITY OF NORTH RIDGEVILLE.

First Reading

moved by Olesen, seconded by Butkowski to dispense with the second and third readings on T 35

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, just a question as to when our current program expires and why this has to go through the emergency.

Mayor Gillock: I don't have the exact date of the expiration. I believe that it has already expired from what Tony Hatmaker has told me. However, I don't have that date with me. Some of the funds are already spent. Actually, in the contract here, it states the period beginning January 1, 2007. We are already beyond that date.

Council Member Boose: It is a very valuable program. I know that it has helped a lot of home owner's within our City for a number of years and it is something that we have to make sure that we still have in the future. It would be appreciated if we could have this before, so that we don't have to go through the emergency. However, it is an excellent, excellent program.

Mayor Gillock: This did just come from the State. There wasn't an option where we could have had it earlier. We can only submit to you when the State submits to us.

Council Member Boose: Good explanation, thank you.

President Arndt: Is there any other discussion? Just a reminder; on the floor, we have a motion by Mr. Olesen and a second by Mrs. Butkowski to dispense with the second and third readings tonight on T 35. All those in favor signify by yes. All those opposed by no. Any abstentions?

moved by Olesen, seconded by Butkowski to adopt

moved by Olesen, seconded by Butkowski to add the emergency in order that we get these funds in to help our home owners that are in need

President Arndt: Is there any other discussion? All those in favor signify by yes. All those

opposed by no. Any abstentions?

Yes, 7 No, 0

President Arndt: Additionally, we have a motion on the floor by Mr. Olesen and a second by Mrs. Butkowski to adopt tonight T 35 with the emergency. Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 35 is adopted with the emergency and becomes permanent resolution number 1101-2007.

Permanent Resolution No. 1101-2007

President Arndt: That concludes our first readings for the evening. We move to our singular second reading, Dr. Norris, with T 21.

• **Second Readings**

T 21-2007 AN ORDINANCE AMENDING NRCO SECTION 1446.03 REGISTRATION APPLICATIONS; QUALIFICATIONS OF APPLICANTS; EXPIRATION AND RENEWAL OF REGISTRATION; BONDS; INSURANCE.

Second Reading

President Arndt: For the benefit of Council, the Law Director has advised me that this will also come under a Public Hearing.

Mayor Gillock: Mr. President, this is very minor and I believe that it could be a typographical error. In Section one, under paragraph F; at the end of the third sentence, it should read a minimum sum of 500,000 per occurrence and 1,000,000 dollars aggregate or the equivalent; not to 1,000,000 dollars.

 moved by Arndt, seconded by Boose to amend T 21 to read, at the end of the third sentence; in Section One, F, the word and 1,000,000 dollars

Mayor Gillock: Mr. President, just for clarification. Right now, our registration only requires limits of 100,000 to 300,000 and that is 100,000 per occurrence up to 300,000 aggregate in any one accident. Those are very low limits and I don't believe the insurance companies sell that any more. This just meets what is normal today. It is still fairly minimum limits. However, it puts us on par with most other cities. Therefore, 500,000 per occurrence and 1,000,000 aggregate is pretty normal. Actually, more common today would be the equivalent purchase of 500,000 or 1,000,000 combined single limit. Either one would meet the ordinance. We are just updating it to meet current limits that you would find in the insurance market. Thank you.

President Arndt: Thank you, Mr. Mayor. Is there any other discussion?

Council Member Butkowski: Mr. Chairman, I am not sure if this even falls into this. Does this affect the things that happen at the Corn Festival.

Mayor Gillock: During the Corn Festival, we require them to provide higher limits than this. The Corn Festival requires limits of 1,000,000 per occurrence and 2,000,000 aggregate, which is double what we are required for contract. It wouldn't affect them at all.

Council Member Butkowski: I just thought of that and I wanted to be sure it was clarified. Thank you.

Council Member Boose: Two questions, one from the current legislation to the change. I am sure that there is a logical reason for this. However, we are no longer requiring property damage insurance. Is that included in the liability coverage now?

Mayor Gillock: That is included in these limits in the way they are written nowadays. You don't break them out any longer.

Council Member Boose: The second question is, since we are increasing the limits due to inflation for the coverage, should we also consider adjusting the fees in 1446.04 due to the same inflationary purposes. It has been fifteen years since they have been looked at.

Mayor Gillock: I believe that we have adjusted those fees in the last year or two. We can look at them. However, that is not the critical issue on whether we get 50 or 100 dollars; whatever it might be. It is the protection limits that are really out of whack that needed adjusted. We can look at that; but I believe we adjusted our building fees a year ago.

Council Member Boose: I am just reading from the ordinance that is online and it shows the last time that it was passed was January 17 of 1989.

Mayor Gillock: Mr. President, I can respond to that and I am not sure if our ordinances online have been codified since that change. I just signed a purchase order for these ordinances to get codified.

Law Director Crites: Dennis, I believe that within the last year we passed a separate sweeping holistic ordinance updating all the building department fees. Why don't I promise to take a look at that and talk to Guy Fursdon. I am pretty sure that it was changed last year.

Council Member Butkowski: Mr. Chairman, I think that it has been at least two years since we have codified our ordinances and we have changed quite a few fees in the last couple of years.

Mayor Gillock: Mr. President, along those same lines, within the new budget, we appropriated money for the codification and we are looking at a new company that will update the online ordinances as we go because the one on line was never current. Now it will be.

President Arndt: Is there any other discussion? For a clarification purpose now, we have a motion on the floor by Arndt, a second by Mr. Boose to amend T 21, again, on the end of the third sentence that will read per occurrence and 1,000,000 dollars in aggregate. All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved.

President Arndt: That concludes our second readings. Dr. Norris, if you will begin with our Third Readings.

• **Third Readings**

Clerk of Council Norris:

T 16-2007 AN ORDINANCE REVISING THE FINAL PLATS OF WINDSOR POINT NO.
4384-2007 4 AND NO. 5 BY RENUMBERING/RENAMING THE SUBDIVISIONS FOR
RECORDING PURPOSES.

Third Reading

moved by Butkowski, seconded by Olesen to adopt tonight T 16

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

Yes, 7 No, 0

Clerk of Council Norris: T 16 is adopted and becomes permanent ordinance number 4384-2007.
Permanent Ordinance No. 4384-2007

T 18-2007 A RESOLUTION IN SUPPORT OF THE CONCEPT OF "RENEWABLE
1102-2007 SOURCE ENERGY PLAN" AS CREATED BY THE FRENCH CREEK
WASTEWATER TREATMENT PLANT.

Third Reading

moved by Butkowski, seconded by Manning to adopt tonight T 18

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, as this went through our Finance Committee and we did approve of the concept of the Renewable Source Energy Plan, I just want to state for the record that passage of this particular resolution does not mean that any funds are being expended or approved at this time. We have had a discussion on this particular matter during our appropriation's meetings and have asked the Superintendent of the French Creek Wastewater Treatment Plant to come back with some revised numbers and revised plans so that we can more adequately attend to the request. Again, I am in support of the concept of the Renewable Source Energy Plan.

President Arndt: Thank you, Mr. Boose. 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 18 is adopted and becomes permanent resolution number 1102-2007.
Permanent Resolution No. 1102-2007

President Arndt: Thank you, Dr. Norris. We have no old business.

Council Member Buescher: Mr. President, I would like to make a statement under Old Business.

OLD BUSINESS:

Council Member Buescher: For the record and for clarification on a serious issue, which may not be casually watered down and diminished in its intensity. At the City Council meeting of March 19; as a Member of the Safety Committee, I made a statement that, quote, the Police Chief is adamantly opposed to having any legislation in place for bow hunting for safety reasons, unquote. The statement was contradicted by the Mayor previous to the full vote of Council when the Mayor stated that he was, quote, not sure if his, the Police Chief's, opposition was for safety reasons, unquote. In my opinion, the Council was misdirected by his statement and the residents were misled. The article in the Press of March 28th gives a distinct impression that the Mayor's contradiction of my statement is correct and that I, as one Member of the Safety Committee of three Members of Council, who worked with the Police Chief and are all fully aware of his stance against bow hunting, was incorrect in my statement. Consequently, residents are inquiring concerning the issue. Although my decision from the beginning to disallow bow

hunting for residents in the City has been based primarily and heavily on safety issues, my final decision to recommend disallowing the bow hunting was without a doubt reinforced by the safety concerns succinctly expressed by the Chief of Police. Although, there may be other factors involved in the Chief's recommendations to not allow bow hunting in the City, I repeat, the Chief of Police is adamantly, 100 percent, opposed to bow hunting in the City for safety reasons. I trust that the Press will make this crystal clear to its readers in the next issue. Thank you.

Mayor Gillock: Mr. President, could I have an opportunity to respond?

President Arndt: Yes, Mr. Mayor.

Mayor Gillock: Mrs. Buescher is correct that it was not my understanding that the Chief was opposed of it purely for safety reasons. He and I did discuss it as to why he was opposed to it and he is opposed to it for safety reasons based on his professional opinion. He doesn't really have any facts or figures to support that. The ODNR feels that this is the safest way to eliminate the deer herd. She is correct in that the Police Chief is adamantly against it because of safety reasons, for professional reasons, and I apologize for any misunderstanding. I did have that discussion with the Chief. Thank you.

President Arndt: Thank you, Mr. Mayor. That concludes our Old Business. Dr. Norris, if you will read our upcoming meeting announcements.

UPCOMING MEETING ANNOUNCEMENTS:

Clerk of Council Norris: Upcoming meeting announcements include:

Next Regular Council Meeting Monday, April 16, 2007 at 7:30 P.M. in Council Chambers.

Public Hearings Monday, April 16, 2007 at 7:20 P.M. in Council Chambers re: T 8-2007 Revised and T 21-2007.

Council Member Butkowski: Mr. Chairman, under upcoming meetings, I would like to request that the Administrative Committee meet as soon as possible to discuss T 34, which is the ordinance requiring Homeowner's Associations to be bonded. With quick action from Law Director Crites and his staff, they were able to get that legislation to this meeting and I would like to get it passed as soon as possible to protect our citizens, so that we don't have any more reoccurrences of what has happened in the past.

President Arndt: Thank you. The Chair will entertain a motion.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING APRIL 2, 2007**

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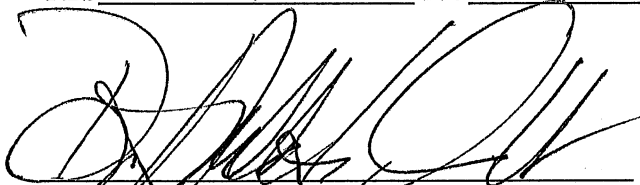
ADJOURN:

 moved by Butkowski to adjourn

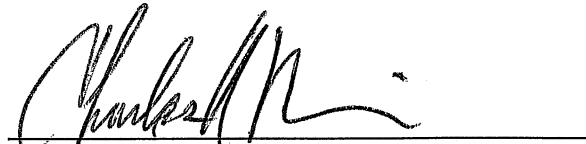
Meeting adjourned at 8:10 P.M.

MOTION Jaenke 2ND Butkowski DATE April 16, 2007
as corrected 4-16-2007

YES 7 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL DR. RONALD F. ARNDT



CLERK OF COUNCIL CHARLES A. NORRIS