

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING MARCH 19, 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, March 19, 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, Auditor Chris Costin, and Clerk of Council Charles Norris.

MINUTES - Corrections (if any) and Approval:

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

Council Minutes of regular meeting held March 5, 2007.

moved by Butkowski, seconded by Manning to approve tonight the regular Council Minutes of our meeting held March 5, 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: Planning Commission Minutes of regular meeting March 13, 2007.

MAYOR AND DIRECTORS REPORTS:

President Arndt: We will now move onto the Mayor and Directors report 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. For Council's information, I will be attending the Ohio Municipal League Legislative luncheon in Columbus tomorrow, and meeting with State Senator Sue Morano and Representative Matt Lundy to bring them up to date on current and pending projects in North Ridgeville and to discuss State assistance for a couple of potential new businesses.

I will also be meeting with Lorain County Community College later this week to discuss the plan to sewer Dyke Road. As you may have seen in today's paper, Lorain County has been fined almost half of a million dollars for failure to comply with OEPA directives. We are under similar directive for Dyke Road. However, we have been working with the OEPA and we would like to move this project forward sometime this year.

You will find on your agenda this evening T 30. We have already adopted the current edition of the Ohio Residential Building Code that just came out this year. It is the recommendation of the Building Department that we adopt this ordinance before you this evening so, whenever a new edition is published, the new code will be automatically adopted instead of having to adopt legislation every year the edition has been updated. Every time they come out with a new code, which we have to comply with anyway, the code will automatically be in place. Also, the new code requires that a body be designated as the appeals board, which in our case has always been the Board of Building and Zoning Appeals. Lastly, any amendments to the code that the City would like to put into place, have to be approved by the State Board. For example, we require that down spouts in new residences not be connected to the storm water management system, but discharge to splash blocks. The State Board has approved this amendment and we would like to adopt it as it is very helpful in our efforts to address flooding in the City.

I would like to announce a few items that came in late this afternoon for our residents. Maddock Road will be closed at the rail road tracks from 8:00 A.M. until 10:00 A.M. in order that it give the company time to use their crane to remove a couple of trees that are in the ditch by the tracks. The road will be open to the tracks from either end and will have flag men at the site to help with traffic. Again, that time is from 8:00 A.M. until 10:00 A.M. on Maddock Road. Lastly, we received late this evening, the Ohio Department of Agriculture has granted our application and will be spraying for Gypsy moths sometime in mid-May. One application of floras, also known as BTK, will be applied. The exact application timing depends on certain stages of the caterpillar, the amount of canopy the trees have and the weather conditions. They will keep us and the news media informed as the time comes near. Treatment information can be obtained from the Ohio Agricultural website at www.OhioAgricultural.gov and then click on Gypsy moths. They will be spraying South Central Park and the timbers to the east of the Library. The total cost to the City for that spraying is 741 dollars and 84 cents. 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. My report just got cut in half. The Mayor and I read the same reports.

This winter has been very hard on our roads. There are many pot holes and other winter damage to our roads. We are trying to stay on top of them. The asphalt plants are not going to open for a few more weeks so we can only get the inferior and more expensive cold patch at this point. As soon as the asphalt plants open, permanent patching will be our top priority. With that said, authorization to bid asphalt and related materials is on first readings tonight. Suspending the second and third readings tonight, would allow us to proceed with advertising for these products. 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: Thank you, Mr. President. Most people think recycling is a rather new concept. However, according to the Lorain County Solid Waste Management District's February newsletter, the Bluestar Metal Recycling Company has been providing recycling services for more than 123 years. The company, located at 201 Williams Street in Elyria, was founded by Simon Altfeld in 1883. Simon would travel around the county in horse drawn wagon collecting metal, paper and rags which he would take back to his home. The cast iron would then be broken apart by Simon and his two sons and the metals separated. The separated metals would be then loaded back on the wagon and secured for the day long trip to the Cleveland steel mills. The company has recently opened a drive-thru window to help you bring in your metals. They will help you unload, weigh the materials and pay you cash on the spot. For additional information, go to www.bluestarrecycling.com.

Also, if you have an old TV, computer, copier, cell phone, etc., the first of three Countywide E-Scrap Collections will take place Saturday, March 31 beginning at 9:00 A.M. and ending at 3:00 P.M. at the Shoreway Shopping Center in Sheffield Lake. Thank you, Mr. President. That concludes my report this evening.

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

- **Auditor:**

Auditor Costin: Thank you, Mr. Chairman. I do have a few comments. We'll start off with the February Auditor's Written Financial Report, which you all should have received and we request your passage.

Auditor's Written Financial Report for February 2007.

moved by Butkowski, seconded by Boose to approve the Auditor's Written Financial Report for February 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

Auditor Costin: Thank you. Before you this evening, you should have received the appropriation ordinance we spoke about during the last few meetings and that we also discussed over the last few weeks during the Finance meetings. What I would request that Council do is pass this tonight with the emergency. It requires a T number and you would have to suspend the By-Laws. When it is scheduled for its first reading, I would be pleased to briefly discuss the contents of this ordinance itself and answer any questions that anyone may have. I apologize for the lateness in getting it to you. However, we have had some challenges with computer down-time and so forth. I assure you, that it represents all the items that were approved by the Finance Committee during the Finance meetings. There are a few comments that I would like to make when it has its first reading.

President Arndt: Before we suspend our By-Laws tonight, would the Clerk please assign a temporary number to this ordinance?

Clerk of Council Norris: T 33.

moved by Arndt, seconded by Boose to suspend the By-Laws tonight to give T 33 its first reading

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

Yes, 7 No, 0

Auditor Costin: Also, there are a couple other items of house keeping. There are several ordinances under first reading that deal with the bid process for various supplies and components that we use throughout the year and we request that Council pass these tonight. They do not need the emergency. However, once we have the appropriations in place, we then can pass the various ordinances that authorize the Administration to bid. Those include T 22 through T 27.

Also, if I might bring your attention to T 31. Council previously passed an ordinance authorizing a study of our sanitary sewer tap in fees that is very badly needed. During the initial phase of the study being done by the engineers, it was brought to our attention, that it would be to our advantage; in fact we have requested, a quote from them to study our fees in totality. Since they are going to have approximately 85 percent of the information they need to work with to do the tap in fee study, it made sense to have them, in addition thereto, to have them study our sanitary sewer fees for a number of reasons that will be very important to us in the near future. I would request that Council consider also passing T 31 tonight. It would not need the emergency. We then, could authorize them shortly, to incorporate a complete study of our sanitary sewer fees. That, again, would be T 31. I believe that would conclude my comments and as I requested

- **Other Reports:**

T 17-2007

AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO KNOWN AS THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING LAND: APPROXIMATELY 13.05 ACRES LOCATED ON THE SOUTHEAST CORNER OF BUTTERNUT RIDGE ROAD AND BAGLEY ROAD, PERMANENT PARCEL NUMBERS 07-00-011-102-009; 07-00-011-102-012 AND 07-00-011-102-013 (AS SHOWN BY LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE DISTRICT TO SDD SPECIAL DEVELOPMENT DISTRICT AND

OWNED BY BAGLEY LORAIN PROPERTIES LLC.

PC ACTION: Recommend approval by a vote of four to zero.
 moved by Jaenke, seconded by Olesen to approve the Planning Commission Action to
 rezone 13.05 acres located on the southeast corner of Butternut Ridge Road and Bagley
 Road

President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, again, just a couple other additions. This particular parcel was used for the old deck hockey facility that was installed several years ago, which is now gone. There is a pond on this particular property as well. It is not conducive to residential construction because of the size of the property and the location. The side yard actually abuts Lorain Road and directly across from this parcel; on the opposite corner, is a piece of property owned by a funeral company. Therefore, that entire section on Bagley and Lorain will eventually be all commercial making this property not conducive to being residential.

Council Member Butkowski: Mr. Chairman, it is unfortunate that we lost the Landscape Company, which would have been a great asset for that property and would have blended well with the homes. I was just wondering, as I don't see any plans for the use of this property, why they were asking for a change in the zoning since there wasn't anything presented.

Council Member Jaenke: This is not uncommon, where we have a piece of property that a developer wants develop and the thought is that they want to have it rezoned first; then move ahead by hiring an architect and developing some plans. At this point, they feel that they should have the property rezoned first and then they will move ahead with the architect.

Mayor Gillock: Mr. President. I would point out that they will have to come back to Planning with whatever they want to put in there and they will have to receive approval for that.

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

Yes, 7 No, 0

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

PC ACTION: Recommend approval by a vote of four to zero.
 moved by Manning, seconded by Jaenke to approve the Planning Commission Action
 regarding T 16

President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, again, just another update. This property is owned by Oster Construction and they discovered a large area of wetlands on the property. They are attempting to work around the wetlands and as a result they need to change the phase numbering. It is really more routine than anything else.

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

Yes, 7 No, 0

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

COUNCIL COMMITTEE REPORTS:

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

1) SAFETY COMMITTEE REPORT #5638 dated March 1, 2007, Members of Council: We have considered the matter of bow deer hunting within the City limits of North Ridgeville and recommend that this request be denied.

Signed: Chairperson Boose and Member Buescher.

 Moved by Boose, seconded by Buescher to accept the Safety Committee Report #5638

President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, I would like to comment on this. I certainly support the problem of thinning the deer population. I know that it is a problem within the City. However, I really feel that Council should look at some different alternatives. As we all know, Solon hired a company to come in and help with their deer population. My feeling is that we really need to go further than what the Committee did to come up with some different alternatives. As a result, I am voting no.

Council Member Olesen: Mr. President, I too am a little troubled by the Committee Report because it doesn't take into account the real safety problems that our community is facing. It makes no mention of the more than 350,000 dollars in vehicle damages done in car-deer collisions in our City in the past four years; not to speak of the personal injuries suffered by those involved. It does not include crop and yard damage deer have caused all over our City. It makes no mention of the fatality experienced in our City in a car-deer accident. The report stressed that bow hunting is unsafe, which is a statement that is almost unanimously refuted by hunters. This is collaborated by the Ohio Division of Wildlife incident report for 2005. This report shows that in 2005 there were no reported injuries from archery hunting anywhere in Ohio. The 2006 data should be available very soon. The problem here is not the safety of bow hunting, it is those driving our streets, the property damage relief for home owners and those engaged in agricultural pursuits in our community. How do we relieve the problems caused by an animal that makes itself at home in our back yards? Attempts to use birth control, high fences and other nonlethal methods have failed in almost every case. Bow hunting seems to be the only method that might be affective. The City of Solon employed sharp shooters to alleviate its problem. An expensive and unpopular alternative, but one that our City may have to look at in the near future if action is not taken soon. It is for these reasons that I will vote no on accepting this report.

Council Member Buescher: Mr. President, the reason we made that decision is because first of all, the Police Chief is adamantly opposed to having any legislation in favor of bow hunting for safety reasons. We discussed several issues concerning this and one of the main issues for me is that deer would be shot, injured and run off onto other properties in the City. We are too highly populated for this at this time. I would like to seek other alternatives, but I don't think that there is anything in the immediate future. Thank you.

Council Member Butkowski: Mr. Chairman, I am not sure if the residents of this City are aware that at this time, people can go out in their back yard and target shoot with bows and arrows. It is allowed. They don't have to have the training or a license as they would if they were going out to bow hunt deer; probably in a tree stand where they would be shooting down. These people

that are shooting into a target into the back yard are shooting straight. I'm not sure if anyone is aware of that. We have a lot of deer. They are not going to go away. They will in fact multiply. I would be adamantly opposed to bringing in sharp shooters in this City to do away with the deer. There is someone who came to our meeting and stated that they would come into the City, if we hired them, and they would also shoot bows and arrows to kill the deer. In my opinion, we should give it a chance to allow residents of the City to try to control some of the population. They could not do it unless they had two or three acres of property and stay on their own property. I don't want to see everyone from Lorain County coming here to hunt. We have to do something because the deer, while they are cute, aren't too cute when they are eating up everything or running into your car.

Mayor Gillock: Mr. President and Council, the Police Chief certainly expressed his opposition to bow hunting but I am not sure if his opposition was for safety reasons. He stated that they never had to deal with this as long as he has been in his position and I can understand why he would not want to take on responsibility of managing a program such as that. We have identified a company, that for about 10,000 dollars a year, could manage that type of program. I think we can address those issues. I believe that the statistics and certainly the reporting from the Ohio Department of Natural Resources has showed us, that with proper controls, it could be safe. I will just conclude my comments by stating that this morning we picked up three more deer. They are still out there, they are still getting hit everyday and it is still a problem.

President Arndt: Is there any other discussion?

Council Member Manning: Mr. President, I agree that we need to do something about our deer population. I don't know if this is the way we want to. After talking with some people that do hunt with bow and arrow, they said that it could be a bad idea because of the arrows hitting the deer, it could be several hours or several days before they die and they could be running around the neighborhood like that. It is my belief that we need to look at other alternatives. I don't know what the answer is, but I don't think that this is it.

Council Member Buescher: Mr. President, I certainly wouldn't object to looking into other alternatives, but I believe as far as we got with this, the answer is no. There are other things we can look at.

President Arndt: The Chair calls the question. We have a motion on the floor by Mr. Boose, a second by Mrs. Buescher to accept the Safety Committee Report #5368. Will you please take roll?

Yes, 3

No, 4 (Jaenke, Olesen, Butkowski, Arndt)

President Arndt: Speaking on behalf of the Chair, it is now my intention to refer this, because of the controversy; because of the options and because of the need as Mrs. Manning pointed out, to look at some additional alternatives. As such, the Chair is going to refer this to the Administrative Committee as it does have that level of importance that we really, really need to do more discussion and evaluation. I really want to thank the Safety Committee for the work that they did on this and I think we can see that it has raised enough questions and issues that it demands further discussion and evaluation. The CHAIR REFERS THIS TO THE ADMINISTRATIVE COMMITTEE.

2) STREETS, SIDEWALKS & BRIDGES COMMITTEE REPORT #5651 dated March 6, 2007, Members of Council: We have considered the matter of T 8-2007 and the suggested changes made to the attached T 8-2007 Revised and recommend that this request be approved. Signed: Chairperson Butkowski and Members Buescher and Manning.

 moved by Butkowski, seconded by Manning to accept the Streets, Sidewalks and Bridges Committee Report #5651

President Arndt: is there any discussion?

Council Member Butkowski: Mr. Chairman, we have been discussing this for a long time to get these charges put into the right accounts and everything. Maybe we have it done now so we don't have to hear about it again.

President Arndt: Any other discussion?

Council Member Boose: Mr. President, I applaud the Committee for working out the details to make sure that the monies are properly accounted for and notice is given. I would hope that perhaps we could move this even further to try and see if we can't get some sort of sidewalk plan for the City of North Ridgeville. I think that a plan needs to be discussed so that eventually a plan could be passed and then put in place and at some time our City could be fully sidewalked. The City of Westlake put a plan together and it took twenty years. However, in that twenty years it was done. Right now we need to have some sort of plan put together as well, so that at some point in time we can have sidewalks in our community for the safety of our residents. Thank you.

Mayor Gillock: Mr. President, I would just like to point out that we have tried to promote a sidewalk program before, but because of the City's finances, we have never been able to do that. I had discussions with Mayor Clough as to how they did that. They started with seed money, which we were unable to put up and basically took an area of the City and said you have to put sidewalks in or we will and we'll assess you for it. They rolled that money over for a period of twenty years. They got their sidewalks put in. I have also been to the State and Federal looking for funds, which are not there. This is a first step. This clarifies some of the conflicts that we had in our ordinance. There is money that has been there for twenty or thirty years that people have put in for sidewalks, but they never put the sidewalks in. Technically, that is their money. We are trying to take a look at that and clear this up. We will continue working on that and would appreciate Council's support for funding of any type of sidewalk plan. Lastly, I will say that we have applied to the State for a grant under a new program called Safe Route to Schools in conjunction with the schools. It is a new program that provides funding for planning and engineering services, education, and construction costs. They had an overwhelming response to that application. They had 19 million dollars available, but they had a tremendous response. We are not waiting on that with any great enthusiasm. We will see what happens. We have been doing a lot in trying to address the sidewalk issue. As Dick knows and has worked with us in taking a proactive approach when we came across places such as in front of Get Go, we went after them to put the sidewalk in and they did put in. We will continue those efforts as well.

Council Member Butkowski: Mr. Chairman, I would like to ask the Mayor a question. Where we have plans to widen Center Ridge and Lear Nagle, are sidewalks included in those plans?

Mayor Gillock: Yes, it is included in both plans.

Council Member Butkowski: That will be a lot of sidewalk when that is done and that is a very good start.

Mayor Gillock: In the Lear Nagle engineering, we may be looking at sidewalks on only one side. It will at least be one side if not both and for Center Ridge, we are looking at sidewalks on the north side and a multi-use path on the south side. We are going through the process of engineering now and there will be sidewalks on at least one side.

President Arndt: Any other discussion? Just for clarification, we have a motion by Mrs.

Butkowski, a second by Mrs. Manning to accept the Street, Sidewalks and Bridges Committee Report #5651. All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

President Arndt: The Chair, in listening to the conversation by members of Council and Administration, is really now going to charge the Streets, Sidewalks and Bridges Committee that if they would take this challenge and come back to City Council and provide some direction for us and the Administration so that they can evaluate, they can do some research and recommend some realistic solutions to what appears to be a hopscotch mosaic pattern of sidewalks in the City, that this might take us to the next step that the Mayor and just about everyone on Council have been speaking to. In sixty days, which is the maximum time we can keep things in a Committee anyhow, so hopefully in two months, we'll be able to have some kind of a report from that Committee that will give all of us some direction and insight. That concludes all of our Committee reports and as such, we now move to our correspondence.

CORRESPONDENCE:

Clerk of Council Norris: One item of correspondence this evening:

1) Received a memo from Council Member Bob Olesen submitting a photo of a tree that is actually a cell tower and asking if this can be an opportunity to make future installations of cell towers more appealing and requesting that this be referred to committee for further study.

President Arndt: At the request of Mr. Olesen, the Chair REFERS THIS TO THE UTILITIES COMMITTEE. It is also an example of Council persons who never take vacations because even on the vacation, that are still on the job looking at cell towers. As such, Mr. Olesen brought us a photograph of what looks to be a real big Christmas Tree, when in deed, it is a camouflaged cell tower. He invites any of us who wants to take a peek on the way out to just see how incredibly deceiving that might be. Thank you, Mr. Olesen.

President Arndt: We have no new business. Dr. Norris if you will begin with one of two pieces of new business.

NEW BUSINESS:

Clerk of Council Norris:

Request from the Parks & Recreation Commission to approve the following expenditure from the Parks & Recreation Improvement Fund:

\$5,000 to match funds for the Lorain County Solid Waste District Grant to enable the City to purchase \$15,000 worth of products manufactured from recycled materials
moved by Butkowski, seconded by Boose to approve the request from the Park and Recreation Commission to match 5,000 funds with the Lorain County Solid Waste District Grant

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, this is something that the City has been able to take advantage of over the last several years. It is a great opportunity for the City to spend 5,000 to get 10,000 additional monies. They have used it very well over the last several years for all types of things with recycled materials. It is an excellent project.

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

Yes, 7 No, 0

President Arndt: We have another piece of potentially new business, if Mrs. Butkowski would like to bring that forward.

Council Member Butkowski: I would like to introduce tonight, the idea for legislation to be written to require any company doing business in the City for Management of Home Owners Associations to be bonded with the City. It will protect the Associations from their loss of funds as this has happened two different times in Meadow Lakes. We require this for other businesses in the City and I believe it is time we address this problem to protect our residents. Please refer this to our Law Director so that he can have proper legislation drawn up for us at the next regular meeting. Thank you.

President Arndt: So it shall be. Thank you, Mrs. Butkowski. The Chair refers this to our Law Director Crites for further study and potential legislation drafting. That concludes all of our new business. We now move to the Audience Participation Section of our meeting.

AUDIENCE PARTICIPATION (Lobby):

President Arndt: Any member of our audience, has the opportunity to address your City Council. We ask if should choose to do so, that you fill out the lobby form that you can find in the back of the room. It enables us to contact you personally, should there be a need for individual followup. You are now welcome and invited to approach the podium and when you come forward, if you will please provide us with your name and your address and please limit your comments to three minutes. The lobby is now open.

1) Larry Ackerman of 5357 Barton Road explained his concerns as they relate to the population of the deer in the City. He explained that he was awakened this morning from gunshots being drawn by the Policemen. They were shooting a wounded deer in his front yard. This is something the residents will see more of if something is not done about it. The residents are willing to handle this problem for free. He didn't feel it necessary to spend tax dollars in trying to solve a problem like this. He asked if it would be wise to try bow hunting for a couple of years to see if there is a negative impact?

President Arndt: Just for the benefit of Mr. Ackerman and the fact that the Chair has referred this to the Administrative Committee; this gives not only Council, but all residents regardless of what side of the issue they should fall, plenty of opportunity to discuss or debate any of their thoughts. You will see those announcements when you see that Committee establish its opportunity to meet. Who else would like to address your City Council.

2) Alan Rosich of 5425 Fountain Circle expressed his concerns as it relates to Home Owner's Associations and requested Council to write and enact legislation that would protect the home owners funds. He expressed that the City has a moral obligation to the home owners. He stated that this type of issue could reflect badly on North Ridgeville's reputation.

Council Member Butkowski: Mr. Chairman, before we continue, I do have the Home Owner's Association rules for Meadow Lakes and it states that they must provide for indemnification of its Officers and Board of Trustees and maintain Directors and Officers Liability Insurance. Our Law Department goes over these and do you know if that is in all the association rules?

Law Director Crites: That would be impossible for me to determine at this time.

3) Joe Antush of 38500 Otten Road stated that he is always impressed with the Safety Committee's accomplishments. However, he is not impressed with the issue relating to the deer population. He expressed his concerns relating to the accidents that involve the deer and the cost of money in repairs and the cost of fatalities that will continue if the deer population is not handled now. He quoted the Ohio Natural Resource Division as stating that bow hunting is the safest and most cost effective method of controlling the deer population. He asked that Council give bow hunting a try on a trial basis.

President Arndt: Thank you. Is there any one else in the audience who would like to address your Council?

 moved by Arndt, seconded by Boose to suspend our By-Laws tonight to dispense with our recess

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: Thank you and we will now move into our ordinance and resolutions section and Dr. Norris, if you will begin with T 29.

ORDINANCES AND RESOLUTIONS:

Clerk of Council Norris:

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

Council Member Olesen: Mr. President is there a time limit on these where we would have to get them in rather promptly?

President Arndt: There is a time requirement, but we do not need to suspend our By-Laws. There is no need for us to move this through or adopt it tonight. This is a renewal. We don't need to refer it. We just need to read it tonight and move on. Thank you.

T 30-2007 AN ORDINANCE REPEALING CHAPTER 1423 AND REPLACING IT WITH THE MOST CURRENT EDITION OF THE RESIDENTIAL CODE OF OHIO.

moved by Olesen, seconded by Jaenke to suspend our By-Laws tonight to give T 30 its first reading tonight.

Law Director Crites: If I may interject, Mr. President, there is no problem with this as long as we don't attempt to pass it tonight because this does require a public hearing that has not yet been scheduled.

President Arndt: Is there any discussion?

Council Member Butkowski: Mr. Chairman, I was hoping that you would put this into a Committee so that they could go over it. There have been a lot of changes made here and a lot of things that have been eliminated. After I went over this with what is in the ordinances now, we have eliminated quite a bit from what appears to be in our ordinance book.

President Arndt: Yes, Mr. Mayor?

Mayor Gillock: Council has already adopted the new code. This simply sets up a procedure where in the past, you don't have to re-adopt the code every year. Whatever the current code is, is the current code. We have already adopted the code. There were a number of items that we used to have in there. A good example is that we would not allow more than a five-foot run on a bathroom vent fan exhaust. That is now allowed under the new code. If the Committee feels that it would substantially change the code, then they wouldn't approve it. If we change that code, we will no longer be certified under the Ohio Building Code. That is why I mentioned the one change that was in there, which they had approved. The splash blocks is not being overly restrictive to their codes and they allowed it. We have already adopted the code. Anything we would want to change from this code, we would have to pass an ordinance and have them approve it and then amend that code.

President Arndt: Mr. Mayor, are there any challenges that you see; if we make this referral to Building and Lands for instance, would that create any time constraints that you see?

Mayor Gillock: No, I don't believe that there is any urgency on this at all.

President Arndt: Then just before we take the vote; so everyone understands, that I will make this referral at the end of our vote to Building and Lands. Mrs. Butkowski?

Council Member Butkowski: That is fine, because there are four pages, which is a lot different

than what we have in the ordinance.

President Arndt: We have a motion on the floor by Mr. Olesen and a second by Mr. Jaenke to suspend our By-Laws tonight to give T 30 its first reading. Any further discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

President Arndt: As suggested moments ago, THE CHAIR REFERS THIS TO BUILDING AND LANDS.

T 31-2007 AN ORDINANCE AMENDING ORDINANCE NO. 4325-2006 BY
INCREASING THE AMOUNT TO BE PAID TO CH2M HILL FOR
PROFESSIONAL ENGINEERING CONSULTING SERVICES FROM
\$36,600.00 TO \$53,150.00.

moved by Buescher, seconded by Butkowski to suspend our By-Laws tonight to give T
31 its first reading 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: That concludes all of our ordinance and resolution submittals. Dr. Norris, if you will begin with our first readings T 21.

- **First Readings**

Clerk of Council Norris:

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

T 22-2007 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4374-2007 RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND NEGOTIATE A
CONTRACT, FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW,
AND IN A MANNER PRESCRIBED BY LAW, TO FURNISH AND INSTALL
FULL DEPTH CONCRETE PADS AND REPAIR SERVICES TO BE USED
BY THE CITY OF NORTH RIDGEVILLE, OHIO.

First Reading

moved by Olesen, seconded by Butkowski to dispense with the second and third
readings tonight on T 22

President Arndt: Is there any discussion? Mr. Costin?

Auditor Costin: Yes, I just want to make sure that the only issue is that these ordinances can only be passed if we pass the appropriations ordinance with the emergency tonight.

President Arndt: Thank you. Is there any further discussion? 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 T 22 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

Clerk of Council Norris: T 22 is adopted and becomes permanent ordinance number 4374-2007.
Permanent Ordinance No. 4374-2007

T 23-2007 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4375-2007 RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND NEGOTIATE A
CONTRACT, FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW,
AND IN A MANNER PRESCRIBED BY LAW, FOR THE PURCHASE OF
STORM WATER PIPE AND RELATED PARTS TO BE USED BY THE CITY
OF NORTH RIDGEVILLE, OHIO.

First Reading

moved by Butkowski, seconded by Olesen to dispense with the second and third readings tonight on T 23

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 T 23 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

Clerk of Council Norris: T 23 is adopted and becomes permanent ordinance number 4375-2007.
Permanent Ordinance No. 4375-2007

T 24-2007 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4376-2007 RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND NEGOTIATE A
CONTRACT, FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW,
AND IN A MANNER PRESCRIBED BY LAW, TO FURNISH AND/OR
DELIVER CONCRETE TO BE USED BY THE CITY OF NORTH
RIDGEVILLE, OHIO.

First Reading

moved by Butkowski, seconded by Olesen to dispense with the second and third readings tonight on T 24

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 T 24 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

Clerk of Council Norris: T 24 is adopted and becomes permanent ordinance number 4376-2007.

Permanent Ordinance No. 4376-2007

T 25-2007 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4377-2007 RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND NEGOTIATE A
CONTRACT, FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW,
AND IN A MANNER PRESCRIBED BY LAW, FOR THE PURCHASE OF
LIMESTONE AND SAND TO BE USED BY THE CITY OF NORTH
RIDGEVILLE, OHIO.

First Reading

moved by Buescher, seconded by Olesen to dispense with the second and third
readings tonight on T 25

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 Buescher, seconded by Butkowski to adopt T 25 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

Clerk of Council Norris: T 25 is adopted and becomes permanent ordinance number 4377-2007.

Permanent Ordinance No. 4377-2007

T 26-2007 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4378-2007 RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND NEGOTIATE A
CONTRACT, FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW,
AND IN A MANNER PRESCRIBED BY LAW, FOR THE PURCHASE OF
ASPHALT AND RELATED MATERIALS TO BE USED BY THE CITY OF
NORTH RIDGEVILLE, OHIO.

First Reading

moved by Manning, seconded by Buescher to dispense with the second and third
readings tonight on T 26

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 Manning, seconded by Butkowski to adopt T 26 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

Clerk of Council Norris: T 26 is adopted and becomes permanent ordinance number 4378-2007.

Permanent Ordinance No. 4378-2007

T 27-2007 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4379-2007 RIDGEVILLE TO ADVERTISE FOR BIDS AND NEGOTIATE A CONTRACT
ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR
THE RENTAL OF EQUIPMENT AND RELATED SERVICES FOR ROAD

REPAIR AND MAINTENANCE TO BE USED BY THE SERVICE
DEPARTMENT.

First Reading

moved by Buescher, seconded by Butkowski to dispense with the second and
third readings tonight on T 27

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 Buescher, seconded by Butkowski to adopt T 27 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

Clerk of Council Norris: T 27 is adopted and becomes permanent ordinance number 4379-2007.
Permanent Ordinance No. 4379-2007

T 33-2007 AN ORDINANCE PROVIDING FOR THE APPROPRIATIONS OF MONEY
4380-2007 FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY
OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING
JANUARY 1, 2007 AND ENDING DECEMBER 31, 2007.

First Reading

moved by Boose, seconded by Butkowski to dispense with the second and third
readings tonight on T 33

President Arndt: Is there any discussion? Mr. Costin?

Auditor Costin: Just a few brief comments. First of all, for the benefit of Council Members that
were not at the Finance Committee meetings, the appropriations contain virtually all the
expenditures that were approved by the Finance Committee. The only exception is in our Capital
Projects. We came up 146,000 dollars short. We actually had to cut the appropriations for
Capital Projects by 146,000 dollars. What that means is, we will have to consider the issuance of
additional BAN's or postponing projects or moving them to other funds, when we take another
revisit. Finance Committee does intend to meet again because we did not, except for an isolated
case with the Fire Department, appropriate any additional funds for any staffing. It was the
intention of Finance to get back together within the next 30 to 60 days and revisit financing for
additional employees or perhaps step increases or a combination of both. The last thing I would
like to point out is in our Capital Projects that we are approving in this appropriation ordinance
and incidentally, this includes the issuance of Bond Anticipation Notes that we discussed as well.
We had a request from the Engineer for 400,000 dollars, which would be in the form of a loan
from Lorain County. I happened to glance at that contract this afternoon only to find that the
contract is actually for 600,000. In speaking with the Mayor, they requested that we use the
600,000 with the anticipation that we will only receive 400,000. However, for me to sign that
authorization and cover the dollars, we have to have 600,000 appropriated. We only have
400,000 in there. However, because it is all in a single line item, what we can do is postpone one
of our other projects until we go back and amend our certificate of estimated resources; come
back, which means some time in the next several months, we will have to follow up with another
amended appropriation ordinance for the additional 200,000. So, I can sign that contract; I just

want Council to know that the 400,000 that is in there will really become 600,000 and it will be in and out. We will receive the money in the form of a County Loan that will be repaid within two years after the project commences as the Engineer explained.

Engineer Griffith: That would actually be two years from today.

Auditor Costin: Two years from today, we will start paying it back. The point is, is that I wanted to make you aware that, that is a change that will have to be in the detail.

President Arndt: Mr. Mayor?

Mayor Gillock: Just a little bit of additional clarification. The pay back will begin two years after they first actually spend money on the project. It is an interest free loan. The Bond Program set up by the Engineer, where the County Commissioners borrowed a pot of money, set aside 600,000 dollars for North Ridgeville. That is why that 600,000 is in that contract; even though we are only requesting 400,000 now. If we never use the other 200,000 than it is not a problem other than what Chris has said, we encumber the money, but it is in and out. On top of that, the money is only used for engineering. It is not construction cost or anything else. It is only used for engineering and when you use it, the County controls that aspect of the job. We are requesting it for Lear Nagle. That is the specific purpose for needing the 400,000 dollars. Thank you.

President Arndt: Thank you, Mr. Mayor. Any other discussion?

Council Member Boose: Yes, Mr. President. As a member of the Finance Committee, I wanted to thank Mr. Costin, Donna Kiraly, the Administration and all the Department Heads for all of their time and effort during the appropriation meetings. We held two full day meetings. The first week of the month, we held a several hour meeting in trying to pull all of this together and there are numerous well needed programs that have to be done for our City. I thought that the departments did an outstanding job and Chris and Donna did an outstanding job as well. The information provided was presented concisely and accurately. I was able to spend some time this evening before the meeting with Mr. Costin to review the final numbers and again, they did an outstanding job. That is one of the reasons why our Auditor's Department receives commendations from the State year after year. At the end of the day, we are going to be very close by the end of the year of having approximately thirty percent carry over, which will serve Moodys well and as Mr. Costin had alluded to; this will need to be amended at some point in the near future, once the Finance Committee sits down and goes over all of the personnel issues that we have yet to finalize. Again, thank you very much for all of your help.

Mayor Gillock: Just one additional item as a point of interest. I think the general public would be interested in. Although we have a number of different funds, our General Fund is the main fund that we operate from, which includes salaries. Our budgeted expenses for the year is 10,025,840 dollars. That is the size of our General Fund. It has been in the past, around that figure and it may be down a little bit; however, it has been in that general area. Our total expenditures for the entire City which includes French Creek, Water Improvement, Mayor's Court, is 56,530,000. Our General Fund is approximately 10,000,000 and our total budget is about 56,000,000. Thank you.

President Arndt: Thank you, Mr. Mayor. Any other comments or discussion? Just to bring us current, we have a motion on the floor by Mr. Boose; a second by Mrs. Butkowski to dispense with the second and third readings tonight on T 33. 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 T 33 tonight
moved by Boose, seconded by Butkowski to add the emergency to T 33 tonight in
order that we can meet the timing issues and keep the City solvent beyond March
31, 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
President Arndt: Finally, we have a motion on the floor by Mr. Boose; a second by Mrs.
Butkowski to adopt tonight T 33 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 33 is adopted with the emergency and becomes permanent ordinance
number 4380-2007.

Permanent Ordinance No. 4380-2007

T 30-2007 AN ORDINANCE REPEALING CHAPTER 1423 AND REPLACING IT WITH
THE MOST CURRENT EDITION OF THE RESIDENTIAL CODE OF OHIO.
First Reading

T 31-2007 AN ORDINANCE AMENDING ORDINANCE NO. 4325-2006 BY
4381-2007 INCREASING THE AMOUNT TO BE PAID TO CH2M HILL FOR
PROFESSIONAL ENGINEERING CONSULTING SERVICES FROM
\$36,600.00 TO \$53,150.00.

First Reading
moved by Buescher, seconded by Boose to dispense with the second and third
readings tonight on T 31

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 Buescher, seconded by Boose to adopt tonight T 31
President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed
by no. Any abstentions?

Yes, 7 No, 0
Clerk of Council Norris: T 31 is adopted and becomes permanent ordinance number 4381-2007.
Permanent Ordinance No. 4381-2007

President Arndt: That concludes our first readings. We now move to our second readings. Dr.
Norris if you will begin with T 14.

• **Second Readings**

Clerk of Council Norris: Second reading:

T 14-2007 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4382-2007 RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A
CONTRACT, FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW,
AND IN A MANNER PRESCRIBED BY LAW, FOR THE PURCHASE OF
CHEMICALS TO BE USED BY THE FRENCH CREEK WASTEWATER
TREATMENT PLANT.

Second Reading

Auditor Costin: I would request that this ordinance follow the others. If we could just pass it tonight without the emergency; so that it is in place for them to redo their bids.

 moved by Buescher, seconded by Butkowski to dispense with the third reading
 tonight on T 14

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 Buescher, seconded by Butkowski to adopt tonight T 14

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

 Yes, 7 No, 0

Clerk of Council Norris: T 14 is adopted and becomes permanent ordinance number 4382-2007.
 Permanent Ordinance No. 4382-2007

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

Second Reading

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

Second Reading

President Arndt: That concludes our second readings. We move to our singular third reading tonight.

• **Third Readings**

Clerk of Council Norris:

T 162-2006 AN ORDINANCE AMENDING NRCO SECTION 1046.22 BACKFLOW
REVISED PREVENTION DEVICES, AND PROHIBITING WATER-ACTIVATED SUMP
4383-2007 PUMPS, AND AMENDING NRCO SECTION 1480.26 PLUMBING SYSTEMS
AND FIXTURES AND NRCO CHAPTER 1468 GENERAL BUILDING
REGULATIONS.

Third Reading

moved by Buescher, seconded by Jaenke to adopt tonight T 162-2006 revised

President Arndt: Is there any discussion?

Council Member Butkowski: Mr. Chairman, the EPA doesn't mandate this. If installed correctly, they cause no problem. It is an inexpensive way to have a back up sump pump with the flooding problems we have in this City. I certainly can't support this. This is a statement that I received from the EPA. It says, in all situations in which a water-operated back up sump pump is installed; the main sump pump and water operated back up sump pump should have completely separate discharge pipes. If they are installed properly, you aren't going to have a problem with them. Some people here in the City do have them. We do have flooding and if they are done correctly, it is an inexpensive way to prevent them from flooding.

President Arndt: Any other discussion? Yes, Mr. Engineer?

Engineer Griffith: We do have a problem with them being installed properly. There is another matter that bothers me from a standpoint of storm water management and flooding. It takes two gallons of water to pump one gallon of water. Consequently, if you have a pump running and you are pumping out into a ditch, to pump one gallon of water out of the sump area, you are actually pumping three gallons of water. That bothers me that we are taking a situation that is bad and making it so much worse by pumping all that additional water.

President Arndt: Thank you. Any other discussion?

Council Member Butkowski: Mr. Chairman. I guess I would expect that if someone had one of these and I do realize that they use water to make the pump work and that is why they work if you lose your electricity. I would think that the only smart way to have one of these is if you just splash it on the lawn so that it takes a while to get to the ditches or the storm sewers. It wouldn't be smart to run it into the storm sewer or ditch with something like this.

President Arndt: Thank you. Is there any other discussion? As a reminder, we have a motion on the floor by Mrs. Buescher; a second by Mr. Jaenke to adopt tonight T 162-2006 Revised. Will the Clerk please take roll?

Yes, 6 No, 1 (Butkowski)

Clerk of Council Norris: Motion is approved by a vote of six to one and T 162-2006 Revised becomes permanent ordinance 4383-2007.

Permanent Ordinance No. 4383-2007

President Arndt: That concludes our Third readings. We have no old business. If our Clerk will read our upcoming meeting announcements and also Mr. Boose has an announcement.

UPCOMING MEETING ANNOUNCEMENTS:

Clerk of Council Norris: Upcoming meeting announcements include:

Public Hearing Monday, April 2, 2007 in Council Chambers re: T 29-2007 Solomon Agricultural District at 7:20 P.M.

Next Regular Council Meeting Monday, April 2, 2007 at 7:30 P.M. here in Council Chambers.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING MARCH 19, 2007**

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I will now defer to Councilman Boose.

Council Member Boose: I just wanted to remind residents that on Saturday, March 31, the Annual Easter Egg Hunt will be held at Ranger Stadium. The gates will open at 1:00 P.M. Easter Egg Hunting will begin at 2:00 P.M. and will conclude at 2:01 P.M. as if anyone has ever seen all those egg gatherers race out onto Ranger Field, it only takes them about a minute and a half to pick up about 10,000 eggs. This is sponsored annually, by the Rotary Club of North Ridgeville and this year, once again, we will have approximately 10,000 eggs on the football field for all of our youngsters. Again, that date is Saturday, March 31. Gates open at 1:00 P.M., the hunting begins at 2:00 P.M. and it is free. Thank you.

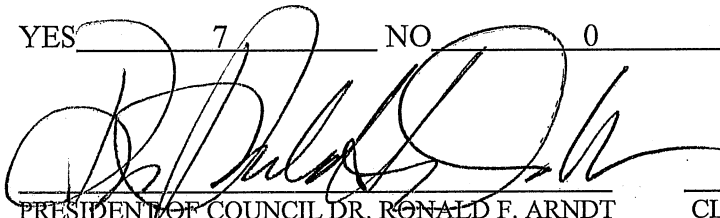
ADJOURN:

moved by Butkowski to adjourn

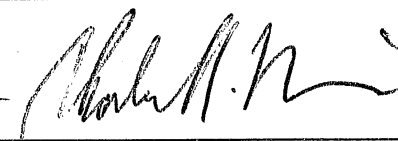
Meeting adjourned at 8:53 P.M.

MOTION Jaenke 2ND Manning DATE April 2, 2007

YES 7 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL DR. RONALD F. ARNDT



CLERK OF COUNCIL CHARLES A. NORRIS