

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING MARCH 1, 2004**

CALL TO ORDER: 7:30 P.M.

President Ronald Arndt: We'd like to call to order, the Monday, March 1, 2004 regular meeting of the North Ridgeville City Council. If you please rise for our Invocation and our Pledge of Allegiance.

INVOCATION: lead by President 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 of Council 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 Chuck Norris.

MINUTES - Corrections (if any) and Approval:

Council Minutes of regular meeting February 17, 2004 with corrections submitted by the Assistant Clerk of Council.

President Arndt: In addition, I would like to submit a correction on page six, half way down, on the far left side, we would like to replace "gert" with "get". Having said that, if there are no other corrections, I'll entertain a motion for approval.

 moved by Jaenke, seconded by Butkowski to approve

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

 Yes, 7 No, 0

President Arndt: Please note:

Parks and Recreation Commission Minutes of regular meeting January 28, 2004.

MAYOR AND DIRECTORS REPORTS:

President Arndt: We now come to the Mayor and Directors reports and the Chair invites the Mayor and the Directors the opportunity to provide Council with an oral report and we'd like to begin with the Mayor. Mr. Mayor, is there a report from your office?

Mayor

Mayor Gillock: Thank you, Mr. President. Yes, we have a few items to bring to your attention. First, I'm not going to read the entire proclamation or, actually any of it but, I want to bring it to

Council's attention and our Citizens of March is Red Cross Month. It's an organization that's been around and helpful for a long time. So, keep that in mind.

During those past two weeks, there's been a couple meetings in regards to an abatement received, written in 1993 by Reliance Tec, now known as Marconi. They did not complete the abatement, moving out of town April 30th of this year, moving out of the City shortly before the abatement would have expired in December. You will be seeing legislation in the future exercising the penalty options of that contract. We want it known that we do encourage businesses and we want to use the tools that we have but, if they do not complete their obligations then, we will look for recourse.

I would mention that, City Hall, in an effort to work together with our employees, we did have a Chili Bowl and I did not win. It was won by our professional chef. So, I just wanted to make that clear that a professional won in the chili cook off.

We have had an application and a hearing and we will be having a new business starting in North Ridgeville shortly called Taxi Plus. We haven't had a taxicab service in the City for almost ten years so, we look forward to that service being available to our residents. Last week, Tuesday and Wednesday, we completed the appropriations hearings with our department heads and as most of you know, we'll be meeting Wednesday at 2:00 P.M. for the wrap up of the review of the appropriations process which will give us a much better idea of where we stand financially for this year.

Lastly, I will point out that on the agenda tonight, T 23 through 30 are ordinances that we need passed this evening with the emergency giving us the authority to file quick take claims in the court. They are for the easements on the Center Ridge Road going west. We actually believe we will only have to file one. All the rest of them are in the process of being worked out but, we want to be prepared just in case there's any problems that we had to go that way, we will have the necessary approval in place. We think there might be one, but the rest of them should be resolved. We asked those be passed this evening with the emergency clause.

Safety-Service Director

Safety-Service Director Johnson: Mr. President, I have nothing to add to the Mayor's fine report tonight.

Engineer

Engineer Griffith: No report.

Auditor

Auditor Costin: No report scheduled.

Other Reports

Clerk of Council Norris:

Water System Operation Report for January 2004;

Treasurer's Annual Report for 2003;

Police Department Activity Report for January 2004;

Police Department Support Car Report for January 2004; and

Service Department Activity Report for February 9 through February 22, 2004

COUNCIL COMMITTEE REPORTS:

President Arndt: Are there any Council Committee reports?

FINANCE COMMITTEE ORAL REPORT:

Council Member Butkowski: Mr. Chairman, I have a Finance Committee Oral Report to authorize the preparation of legislation for the issuance of bond anticipation notes for repayment of existing BAN's and related costs of the westerly sanitary sewer project. To authorize the preparation for the issuance of bond anticipation notes not to exceed 5,400,000 dollars for the construction and related costs of the east Center Ridge sanitary sewer improvement project. They are two separate reports that we would need legislation for both of them.

 moved by Jaenke, seconded by Young to accept the Finance Report

President Arndt: Is there any discussion?

Auditor Costin: Just as a further note of explanation, the first committee report is for the preparation of the westerly notes that are due to expire in a couple months and we're going to issue notes as part of that special assessment project to refund the existing notes. The second deals with legislation T 18-2004 that's on your agenda tonight related to the Center Ridge sanitary sewer project and that would require us to issue notes to be able to fund this project as well, which would be ultimately paid, the debt repayment will be made from the sewer revenues. That's the plan. That's what those note issues are both about. One's a renewal and the second is a new issue. Thank you.

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

 Yes, 7 No, 0

CORRESPONDENCE:

Clerk of Council Norris: Council has before it three items of correspondence this evening.

1) Received a letter from Parks Director Jim Spaulding announcing the Parks and Recreation Commission expenditure approval of \$7,400 from the Parks and Recreation Improvement Fund for roof and gutter installation at South Central Park buildings and pavilions and requesting Council's verbal approval.

 moved by Mayor Gillock that Council approve that expenditure at 7,400 dollars,

seconded by Butkowski

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) Received a letter from Mayor G. David Gillock announcing the Tax Abatement Review Board's recommendations relating to the tax abatement granted to Reliance Comm/Tec, now known as Marconi and a recommendation relating to the membership of the Tax Abatement Review Board.

President Arndt moved to accept the recommendation of the Tax Abatement Review Board and direct the Law Director to draft the appropriate legislation, seconded by Olesen

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

Yes, 7 No, 0

3) Received a letter from Rebecca Gray, Program Coordinator of the Lorain County Community Alliance requesting placement on Council's agenda for a five minute presentation on the new public sector human resources forum program being launched this spring.

President Arndt: The Chair would request that the Clerk of Council advise Rebecca Gray that she be included under new business at our next meeting. Will the Clerk please read our new business.

NEW BUSINESS:

Clerk of Council Norris:

Application for Placement of Farmland in an Agricultural District from Patricia A. Arnold for 15.75 acres of land on Center Ridge Road, Permanent Parcel No. 07-00-027-101-100

President Arndt: REFERRED TO BUILDINGS AND LANDS COMMITTEE.

Petition to rezone property located east of 32991 Lorain Road, Permanent Parcels No. 07-00-003-102-074 and No. 07-00-010-108-002 from B-4 Commercial Parkway District to SDD Special Development District and owned by Mould Development LLC

Mayor Gillock: Mr. President, I would like the Clerk to assign a T number to the ordinance included with the petition, first.

Clerk of Council Norris: It will be T 31-2004.

Mayor Gillock moved to suspend By-Laws to give T 31-2004 a first reading tonight, seconded by Young

President Arndt: Is there any discussion?

Council Member Olesen: Will the Buildings and Lands Committee and Planning Commission be

afforded the opportunity to look this proposal over.

President Arndt: I will make that recommendation after this has its first reading.

Mayor Gillock: Mr. President, I just want to point out that this is an application to rezone that parcel of land to Special Development District, the new ordinance that Council passed in the beginning of the year. We have a project that will be coming to Planning once this is passed, assuming that it is, that will help start development in that area. I just want to point out that this is the first opportunity that we've had on a Special Development District.

President Arndt: Thank you, Mr. Mayor. Is there any further discussion? All those in favor signify by yes. All those opposed signify by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris:

PROPOSED AMENDMENTS TO 2004-2005 COUNCIL BY-LAWS:

Amendment Number 1: SECTION 28: CLOTURE DEADLINE

Add: Planning Commission Minutes must be received by the Clerk of Council no later than 4:00 P.M. Friday prior to a Council meeting.

President Arndt: Currently it states in our By-Laws that cloture is Tuesday at 4:30 and since the Planning Commission meets on Tuesday nights, we miss a two week cycle. This is a move for the convenience of the Council. I'll entertain a motion.

Olesen moved to accept, seconded by Swindig

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:

Amendment Number 2: SECTION 28: CLOTURE DEADLINE

Replace existing section: Planning Commission reports to Council must be received by the Clerk of Council no later than 4:00 P.M. Wednesday prior to a Council meeting.

President Arndt: For the benefit of our audience and Council, currently our By-Laws state Friday at 4:00 P.M. prior to a Council meeting. This does not allow enough time for Council to adequately study the Planning Commission reports before the meeting so, again this is for the benefit of Council to clearly understand their reports. I'll entertain a motion.

moved by Jaenke, seconded by Olesen to accept amendment number two

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:

Amendment Number 3: SECTION 10: PRESENTATION OF MINUTES

Replace existing section: The Clerk of Council shall prepare and distribute copies of all minutes

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING MARCH 1, 2004**

Page 6

to each Council Member, via the mail boxes, (also the Mayor and Department Heads) prior to 4:00 P.M. of the Wednesday prior to the regular meeting of Council. Sufficient copies of current minutes shall be available for the lobby at all Regular meetings.

President Arndt: Currently our By-Laws state Tuesday at 4:30 and so consequently, this modification is being made to support the Clerk's Office in getting the minutes to us and incidently, it helps reduce overtime. I'll entertain a motion.

 moved by Jaenke, seconded by Swindig to accept

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:

Amendment Number 4: **SECTION 15: ORDINANCES AND RESOLUTIONS**

Add: All legislation will be introduced to Council without the emergency clause.

Council Member Swindig: Mr. Chairman, I think all the legislation before Council should come without the emergency and if it's a dire emergency, I think Council should have the right to suspend By-Laws to add the emergency.

 moved by Swindig, seconded by Young to accept amendment number four

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:

Amendment Number 5: **SECTION 15: ORDINANCES AND RESOLUTIONS**

Add: No legislation shall be brought before Council for action at the same meeting as the Committee Report.

Council Member Swindig: Mr. Chairman, let me explain that one. That is if it is a dire emergency where we need it the same night as the committee report, we suspend By-Laws, otherwise it looks like we're trying to ramrod something through and I don't think we should do it.

 moved by Swindig, seconded by Jaenke to accept amendment number five

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:

Amendment Number 6: **SECTION 25: AUDIENCE PARTICIPATION (LOBBY)**

Replace existing section: The public will be permitted to speak, at designated times, on any subject related to the business of Council or the general affairs of the City of North Ridgeville.

Audience members shall not speak longer than three minutes nor more than once on one question

unless permitted by a majority of Council.

Council Member Swindig: Mr. Chairman, I think this is a place for City business and Council business, not campaign presentation and I think it should be kept at that.

 moved by Swindig, seconded by Young to accept amendment number six

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

 Yes, 6 No, 0

President Arndt: Is there any other new business to be brought before Council tonight? Yes, Mrs. Butkowski.

 Butkowski moved to go into Executive Session to discuss potential litigation immediately following the lobby, seconded by Buescher

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

 Yes, 7 No, 0

Council Member Buescher: Mr. President, I believe we have to give a reason and this would be for potential litigation.

President Arndt: Thank you.

AUDIENCE PARTICIPATION (Lobby):

President Arndt: We've now reached the audience participation section of our meeting. Any members of our audience tonight are invited to address your Council. We request that you fill out the lobby form that you can find in the back of the room because it enables us the opportunity to contact you should there be a need for any personal follow up. You're now welcomed and invited to approach the podium at this time. However, please clearly state your name and address and limit your comments to three minutes.

Ron Siemientkowski of P.O. Box 33085, North Royalton, 44133 spoke as an advocate for a Safe Dream House. Read a letter from Senator George Voinovich stating that radon is a serious health risk and is the second leading cause of lung cancer. Read a letter from the Ohio Department of Health noting that radon has been considered a health risk by the Ohio Department of Health and is classified as a class one, a confirmed human carcinogen by the Natural Institute of Safety and Health and the Surgeon General has warned that radon is the second leading cause of lung cancer in the United States. Stated that he hopes this administration will change what has been disseminated to the citizens of North Ridgeville. Asked for additional time.

 moved by Swindig, seconded by Buescher to provide an additional three minutes to Mr.

Siemientkowski

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

Yes, 7 No, 0

Mr. Siemientkowski spoke about a report that builders already install three-quarters of the passive systems and noted that it is a misstatement. It is not a passive system. It is an incomplete system allowing radon gas, methane gas and other gasses that can be dangerous to humans to exhaust into a living environment of a house rather than the outside. Noted reference to Avon Lake's study of builder requirements for radon control over a five year period and no one has been able to find that study and would appreciate no reference to that study and referral to the Ohio Department of Health.

President Arndt: Any other comments from the Lobby? We will now recess for an Executive Session.

Executive Session from 7:57 P.M. to 8:25 P.M.

ORDINANCES AND RESOLUTIONS:

President Arndt: I would like to call our meeting back to order. Will the Clerk please so kind to read our ordinances and resolutions submittals.

• **Ordinances & Resolution Submittals**

Clerk of Council Norris:

T 17-2004 AN ORDINANCE AMENDING ORDINANCES NO. 3496-99 AND NO. 3654-2000 WHICH AMENDED SECTION 222.03 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, BY INCREASING THE COST OF CERTAIN FEES TO REFLECT THE ACTUAL COSTS OF SERVICES RENDERED.

 moved by Butkowski to amend Section 1, after the word "rendered" add "and for the cost of production of the North Ridgeville Codified Ordinances", seconded by Buescher

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

Yes, 7 No, 0

 moved by Butkowski to amend, after "Codified Ordinances" in Section 1, add "Codified Ordinances on Data CD 286.80 dollars", seconded by Swindig

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

Yes, 7 No, 0

 moved by Butkowski to suspend By-Laws to give this a first reading tonight, seconded

by Swindig

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

Yes, 7 No, 0

Clerk of Council Norris:

T 18-2004 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 CONSTRUCTION OF THE EAST CENTER RIDGE SANITARY SEWER IMPROVEMENT, AND ENTER INTO CONTRACT(S) FOR EASEMENTS, REMOVAL/ RELOCATION OF UTILITIES, AND VARIOUS OTHER EXPENSES, NOT TO EXCEED \$5,400,000.00.

moved by Swindig, seconded by Olesen to give T 18 a first reading tonight

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

Council Member Buescher: Abstain.

President Arndt: Will the Clerk please take the roll.

Yes, 6 No, 0 Abstain, 1 (Buescher)

Clerk of Council Norris: Motion is approved by a vote of six, zero with one abstention.

T 19-2004 AN ORDINANCE AMENDING THE DEFINITION OF "DWELLING, MULTIPLE" AS CONTAINED IN NORTH RIDGEVILLE CODIFIED ORDINANCE SECTION 1240.10, DEFINITIONS.

President Arndt: REFERRED TO BUILDINGS AND LANDS COMMITTEE AND PLANNING COMMISSION.

Clerk of Council Norris:

T 20-2004 AN ORDINANCE AMENDING THE DEFINITION OF "INSTITUTIONS" AS CONTAINED IN NORTH RIDGEVILLE CODIFIED ORDINANCE SECTION 1240.10, DEFINITIONS.

President Arndt: REFERRED TO BUILDINGS AND LANDS COMMITTEE AND PLANNING COMMISSION.

Clerk of Council Norris:

T 21-2004 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED ORDINANCE SECTION 1250.07, DENSITY.

President Arndt: REFERRED TO BUILDINGS AND LANDS COMMITTEE AND PLANNING COMMISSION.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING MARCH 1, 2004**

Page 10

Clerk of Council Norris:

T 22-2004 AN ORDINANCE AMENDING ORDINANCE NO. 3708-2001, WHICH
COMBINED CERTAIN DIVISIONS OF THE SERVICE DEPARTMENT.

 moved by Swindig, seconded by Young to give T 22 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

Clerk of Council Norris:

T 23-2004 A RESOLUTION DECLARING THE INTENTION TO APPROPRIATE
EASEMENTS UPON THE PROPERTY LOCATED AT 39019 CENTER
RIDGE ROAD, NORTH RIDGEVILLE, OHIO, OCCUPIED BY R.J.M.
PROPERTIES FOR THE LOR-WEST CENTER RIDGE ROAD SEWER
PURPOSES, AND DECLARING AN EMERGENCY.

 moved by Swindig, seconded by Young to give T 23 a 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

Clerk of Council Norris:

T 24-2004 A RESOLUTION DECLARING THE INTENTION TO APPROPRIATE
EASEMENTS UPON THE PROPERTY LOCATED AT 38891 CENTER
RIDGE ROAD, NORTH RIDGEVILLE, OHIO, OCCUPIED BY RIDGEVIEW
CENTER, INC. AND LESURE, INC., FOR THE LOR-WEST CENTER RIDGE
ROAD SEWER PURPOSES, AND DECLARING AN EMERGENCY.

 moved by Olesen, seconded by Swindig to give T 24 a 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

Clerk of Council Norris:

T 25-2004 A RESOLUTION DECLARING THE INTENTION TO APPROPRIATE
EASEMENTS UPON THE PROPERTY LOCATED AT 38659 CENTER
RIDGE ROAD, NORTH RIDGEVILLE, OHIO, OCCUPIED BY CENTER
RIDGE ROAD, LLC, FOR THE LOR-WEST CENTER RIDGE ROAD SEWER
PURPOSES, AND DECLARING AN EMERGENCY.

 moved by Swindig, seconded by Young to give T 25 a 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

Clerk of Council Norris:

T 26-2004 A RESOLUTION DECLARING THE INTENTION TO APPROPRIATE EASEMENTS UPON THE PROPERTY LOCATED AT 38889 CENTER RIDGE ROAD, NORTH RIDGEVILLE, OHIO, OCCUPIED BY RIDGEVIEW CENTER, INC., FOR THE LOR-WEST CENTER RIDGE ROAD SEWER PURPOSES, AND DECLARING AN EMERGENCY.

 moved by Olesen, seconded by Swindig to give T 26 a 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

Clerk of Council Norris:

T 27-2004 A RESOLUTION DECLARING THE INTENTION TO APPROPRIATE EASEMENTS UPON THE PROPERTY LOCATED AT 38649 CENTER RIDGE ROAD, NORTH RIDGEVILLE, OHIO, OCCUPIED BY BEATRICE MINTZ, FOR THE LOR-WEST CENTER RIDGE ROAD SEWER PURPOSES, AND DECLARING AN EMERGENCY.

 moved by Olesen, seconded by Young to give T 27 a 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

Clerk of Council Norris:

T 28-2004 A RESOLUTION DECLARING THE INTENTION TO APPROPRIATE EASEMENTS UPON THE PROPERTY LOCATED AT 38129 CENTER RIDGE ROAD, NORTH RIDGEVILLE, OHIO, OCCUPIED BY DONALD AND SONDR A KENNEY, FOR THE LOR-WEST CENTER RIDGE ROAD SEWER PURPOSES, AND DECLARING AN EMERGENCY.

 moved by Swindig, seconded by Young to give T 28 a 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

Clerk of Council Norris:

T 29-2004 A RESOLUTION DECLARING THE INTENTION TO APPROPRIATE EASEMENTS UPON THE PROPERTY LOCATED AT 38495 CENTER RIDGE ROAD, NORTH RIDGEVILLE, OHIO, OCCUPIED BY ESTES EXPRESS LINES, FOR THE LOR-WEST CENTER RIDGE ROAD SEWER PURPOSES, AND DECLARING AN EMERGENCY.

 moved by Swindig, seconded by Young to give T 29 a 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

Clerk of Council Norris:

T 30-2004 A RESOLUTION DECLARING THE INTENTION TO APPROPRIATE EASEMENTS UPON THE PROPERTY LOCATED AT 38495 CENTER RIDGE ROAD, NORTH RIDGEVILLE, OHIO, OCCUPIED BY ESTES EXPRESS LINES, FOR THE LOR-WEST CENTER RIDGE ROAD SEWER PURPOSES, AND DECLARING AN EMERGENCY.

 moved by Swindig, seconded by Olesen to give T 30 a 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

• **First Readings**

Clerk of Council Norris:

T 15-2004 AN ORDINANCE AUTHORIZING PAYMENT TO LORAIN COUNTY TRANSIT FOR TRANSIT SERVICE.
First Reading

T 133-2003 AN ORDINANCE REPEALING AND REPLACING CHAPTER
REVISED 1480, USE AND OCCUPANCY HOUSING CODE, WITH THE PROPERTY MAINTENANCE CODE.
First Reading

T 31-2004 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: PROPERTY EAST OF 32991 LORAIN ROAD, PERMANENT PARCEL NUMBERS 07-00-010-108-002 AND 07-00-003-102-074 (AS SHOWN BY LEGAL DESCRIPTION BELOW); FROM B-4 COMMERCIAL PARKWAY DISTRICT TO SDD SPECIAL DEVELOPMENT DISTRICT, AND OWNED BY MOULD DEVELOPMENT, LLC.
First Reading

President Arndt: REFERRED TO BUILDINGS AND LANDS AND PLANNING COMMISSION.

Clerk of Council Norris:

T 17-2004 AN ORDINANCE AMENDING ORDINANCES NO. 3496-99 AND NO.

3998-2004 3654-2000 WHICH AMENDED SECTION 222.03 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, BY INCREASING THE COST OF CERTAIN FEES TO REFLECT THE ACTUAL COSTS OF SERVICES RENDERED.

First Reading

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

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

moved by Swindig, seconded by Jaenke to adopt

moved by Swindig to add the emergency due to the current cost of the Code Book is at a loss to the City, seconded by Butkowski

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: On the motion to adopt T 17 as amended with the emergency.

Yes, 7 No, 0

Clerk of Council Norris: T 17 is adopted by a vote of seven to zero and becomes permanent ordinance 3998-2004.

Permanent Ordinance No. 3998-2004

T 18-2004 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 CONSTRUCTION OF THE EAST CENTER RIDGE SANITARY SEWER IMPROVEMENT, AND ENTER INTO CONTRACT(S) FOR EASEMENTS, REMOVAL/ RELOCATION OF UTILITIES, AND VARIOUS OTHER EXPENSES, NOT TO EXCEED \$5,400,000.00.

First Reading

moved by Olesen, seconded by Swindig to dispense with second and third readings

President Arndt: Is there any discussion?

Council Member Butkowski: Mr. Chairman, I will defer to the Auditor.

Auditor Costin: Yes, Mr. Chairman, if it's the wishes of Council you can suspend second and third. You would be precluded from adopting this at this meeting because we do not have the financing in place. According to our Charter, we couldn't adopt it tonight. We should have, we had the oral committee report for the legislation for the issuance of BAN's which should be available at the next meeting and accordingly, at the next meeting, we'd be able to pass the BAN's legislation, then we can adopt this ordinance.

President Arndt: Thank you, Mr. Costin. Is there any discussion? All those in favor signify by

yes. All those opposed by no. Any abstentions?

Council Member Buescher: Abstain.

President Arndt: Will the Clerk please take the roll.

Yes, 4 No, 0 Abstain, 3 (Buescher, Butkowski, Young)

Clerk of Council Norris: Motion fails due to lack of two-thirds vote.

T 22-2004 AN ORDINANCE AMENDING ORDINANCE NO. 3708-2001, WHICH
COMBINED CERTAIN DIVISIONS OF THE SERVICE DEPARTMENT.
First Reading

T 23-2004 A RESOLUTION DECLARING THE INTENTION TO APPROPRIATE
994-2004 EASEMENTS UPON THE PROPERTY LOCATED AT 39019 CENTER
RIDGE ROAD, NORTH RIDGEVILLE, OHIO, OCCUPIED BY R.J.M.
PROPERTIES FOR THE LOR-WEST CENTER RIDGE ROAD SEWER
PURPOSES, AND DECLARING AN EMERGENCY.

First Reading

moved by Swindig, seconded by Jaenke to dispense with second and third
readings

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 Swindig, seconded by Jaenke to adopt

Council Member Swindig: Mr. Chairman, even though we have declaring an emergency in the
resolution, I will move to add emergency to this resolution for the health, safety and welfare and
its time to get this sewer project on the road.

moved by Swindig, second by Jaenke to adopt T 23 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: On the motion to adopt T 23 with the emergency.

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved by a vote of seven to zero and becomes permanent
resolution 994-2004.

Permanent Resolution No. 994-2004

T 24-2004 A RESOLUTION DECLARING THE INTENTION TO APPROPRIATE
995-2004 EASEMENTS UPON THE PROPERTY LOCATED AT 38891 CENTER
RIDGE ROAD, NORTH RIDGEVILLE, OHIO, OCCUPIED BY RIDGEVIEW
CENTER, INC. AND LESURE, INC., FOR THE LOR-WEST CENTER RIDGE
ROAD SEWER PURPOSES, AND DECLARING AN EMERGENCY.

First Reading

moved by Swindig, seconded by Olesen to dispense with second and third readings

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 Swindig, seconded by Jaenke to adopt T 24.

Council Member Swindig: Mr. Chairman, can we have a ruling from the Law Director. So we need the second emergency being with our By-Laws being changed tonight.

Law Director Crites: My original position remains unchanged that by State law, all of these resolutions for eminent domain action for the taking of property don't require the second or third readings, period. But, if we wish to move forward with them, I don't believe so. I was understanding you were doing that so there would be no impression of a conflict with the earlier amendment to the By-Laws.

Council Member Swindig: That's why I'm adding the emergency.

Law Director Crites: Mr. Clerk, when would the amendments to the By-Laws become effective.

Clerk of Council Norris: It doesn't become effective until the Mayor signs it.

Council Member Young: The Mayor does not sign the By-Laws.

Law Director Crites: The question is, when does the amendment come into play.

Council Member Young: We amended the By-Laws this evening to eliminate the emergency clause from any piece of legislation. So, the question is, when does that By-Law amendment come into effect. Does it come into effect immediately upon amending the By-Laws or does it come into effect two weeks from now.

Council Member Buescher: Mr. President, my impression is that it is immediate.

Council Member Young: Yes. To play it safe we should do the double emergency.

President Arndt: Mr. Mayor?

Mayor Gillock: The amendment says that ordinances shall not be submitted with the emergency clause included. The ones we're discussing were already submitted and on the agenda before that amendment was passed.

Law Director Crites: That was going to be my comment. I concur completely. These were already submitted under the previous cloture deadline so, what we amended tonight said, in the future, no piece of legislation can be submitted with the emergency clause. So, what we're dealing with already has it in there and therefore, I think one emergency clause will do the trick tonight.

Council Member Swindig: Mr. Chairman, I think we need the double emergency because when we passed our By-Laws, no matter what was submitted, our By-Laws supercede what was submitted by the Mayor's office and everything else. I move and add the emergency.

Council Member Young: I don't see any harm by adding another emergency just to cover our behinds here and since this is a sensitive nature and these are sensitive issues dealing with this, we don't want to give anybody potential wiggle room.

President Arndt: Let's move forward with the double emergency whether it's necessary or not for the sake of clarity and so that we get to talk some more. Let us please move forward with the double emergency.

 moved by Swindig, seconded by Young to adopt T 24 with the emergency

 Yes, 7 No, 0

Clerk of Council Norris: On the motion to adopt T 24 with the emergency.

 Yes, 7 No, 0

Clerk of Council Norris: T 24 is adopted with the emergency and becomes permanent resolution 995-2004.

 Permanent Resolution No. 995-2004

T 25-2004 A RESOLUTION DECLARING THE INTENTION TO APPROPRIATE
996-2004 EASEMENTS UPON THE PROPERTY LOCATED AT 38659 CENTER
 RIDGE ROAD, NORTH RIDGEVILLE, OHIO, OCCUPIED BY CENTER
 RIDGE ROAD, LLC, FOR THE LOR-WEST CENTER RIDGE ROAD SEWER
 PURPOSES, AND DECLARING AN EMERGENCY.

 First Reading

 moved by Swindig, seconded by Olesen to dispense with second and third
 readings

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 Swindig, seconded by Young to adopt

 moved by Swindig, seconded by Young to add the emergency

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

 Yes, 7 No, 0

Clerk of Council Norris: On the motion to adopt T 25 with the emergency.

 Yes, 7 No, 0

Clerk of Council Norris: Motion is approved seven, zero. Becomes permanent resolution 996-2004.

 Permanent Resolution No. 996-2004

T 26-2004 A RESOLUTION DECLARING THE INTENTION TO APPROPRIATE
997-2004 EASEMENTS UPON THE PROPERTY LOCATED AT 38889 CENTER
 RIDGE ROAD, NORTH RIDGEVILLE, OHIO, OCCUPIED BY RIDGEVIEW
 CENTER, INC., FOR THE LOR-WEST CENTER RIDGE ROAD SEWER
 PURPOSES, AND DECLARING AN EMERGENCY.

 First Reading

 moved by Butkowski, seconded by Swindig to dispense with second and third

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

moved by Young, seconded by Butkowski to adopt

moved by Young, seconded by Butkowski to add the emergency

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: On the motion to adopt T 26 with the emergency.

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved by a vote of seven to zero. Becomes permanent resolution number 997-2004.

Permanent Resolution No. 997-2004

T 27-2004 A RESOLUTION DECLARING THE INTENTION TO APPROPRIATE
998-2004 EASEMENTS UPON THE PROPERTY LOCATED AT 38649 CENTER
RIDGE ROAD, NORTH RIDGEVILLE, OHIO, OCCUPIED BY BEATRICE
MINTZ, FOR THE LOR-WEST CENTER RIDGE ROAD SEWER PURPOSES,
AND DECLARING AN EMERGENCY.

First Reading

moved by Olesen, seconded by Swindig to dispense with second and third 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

moved by Olesen, seconded by Swindig to adopt

moved by Swindig, seconded by Young to add the emergency

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: On the motion to adopt T 27 with the emergency.

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved by a vote of seven to zero. Becomes permanent resolution number 998-2004.

Permanent Resolution No. 998-2004

T 28-2004 A RESOLUTION DECLARING THE INTENTION TO APPROPRIATE
999-2004 EASEMENTS UPON THE PROPERTY LOCATED AT 38129 CENTER
RIDGE ROAD, NORTH RIDGEVILLE, OHIO, OCCUPIED BY DONALD
AND SONDR A KENNEY, FOR THE LOR-WEST CENTER RIDGE ROAD

SEWER PURPOSES, AND DECLARING AN EMERGENCY.

First Reading

moved by Olesen, seconded by Butkowski to dispense with second and third 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

moved by Swindig, seconded by Olesen to adopt

moved by Swindig, seconded by Olesen to add the emergency

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: On the motion to adopt T 28 with the emergency clause.

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved by a vote of seven to zero. Becomes permanent resolution number 999-2004.

Permanent Resolution No. 999-2004

T 29-2004 A RESOLUTION DECLARING THE INTENTION TO APPROPRIATE
1000-2004 EASEMENTS UPON THE PROPERTY LOCATED AT 38495 CENTER
RIDGE ROAD, NORTH RIDGEVILLE, OHIO, OCCUPIED BY ESTES
EXPRESS LINES, FOR THE LOR-WEST CENTER RIDGE ROAD SEWER
PURPOSES, AND DECLARING AN EMERGENCY.

First Reading

moved by Swindig, seconded by Jaenke to dispense with second and third readings

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 Swindig, seconded by Young to adopt

moved by Swindig, seconded by Young to add the emergency

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: On the motion to adopt T 29 with the emergency.

Yes, 7 No, 0

Clerk of Council Norris: T 29 has been approved by a vote of seven to zero and becomes permanent resolution 1000-2004.

Permanent Resolution No. 1000-2004

T 30-2004 A RESOLUTION DECLARING THE INTENTION TO APPROPRIATE
1001-2004 EASEMENTS UPON THE PROPERTY LOCATED AT 38495 CENTER
 RIDGE ROAD, NORTH RIDGEVILLE, OHIO, OCCUPIED BY ESTES
 EXPRESS LINES, FOR THE LOR-WEST CENTER RIDGE ROAD SEWER
 PURPOSES, AND DECLARING AN EMERGENCY.

First Reading

 moved by Olesen, seconded by Jaenke to dispense with second and third readings

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 Olesen, seconded by Jaenke to adopt

 moved by Olesen, seconded by Jaenke to add the emergency

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: On the motion to adopt T 30 with the emergency.

 Yes, 7 No, 0

Clerk of Council Norris: Motion is approved by a vote of seven to zero and becomes permanent
resolution number 1001-2004.

 Permanent Resolution No. 1001-2004

• **Second Readings**

T 11-2004 AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1228.01,
 DUTIES OF CITY ENGINEER; CONSTRUCTION SPECIFICATIONS AND
 REGULATIONS.

 Second Reading

President Arndt: REFERRED TO PLANNING COMMISSION.

Clerk of Council Norris:

T 12-2004 AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1474.09,
 DETENTION PONDS.

 Second Reading

President Arndt: REFERRED TO PLANNING COMMISSION.

Clerk of Council Norris:

T 13-2004 AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1474.07,
 COMPUTATION OF STORM WATER RUNOFF.

 Second Reading

President Arndt: REFERRED TO PLANNING COMMISSION.

- | | | |
|----|-----------------------|--|
| 1) | T 11-2004 | AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1228.01, <u>DUTIES OF CITY ENGINEER; CONSTRUCTION SPECIFICATIONS AND REGULATIONS.</u> |
| 2) | T 12-2004 | AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1474.09, <u>DETENTION PONDS.</u> |
| 3) | T 13-2004 | AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1474.07, <u>COMPUTATION OF STORM WATER RUNOFF.</u> |
| 4) | T 133-2003
REVISED | AN ORDINANCE REPEALING AND REPLACING CHAPTER 1480, <u>USE AND OCCUPANCY HOUSING CODE,</u> WITH THE PROPERTY MAINTENANCE CODE. |

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING MARCH 1, 2004**

Page 21

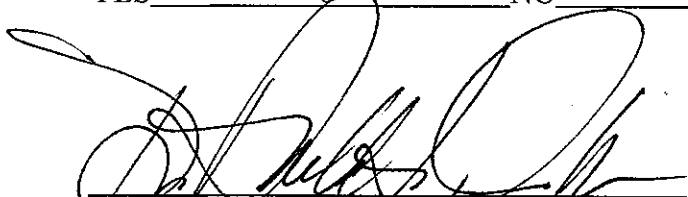
ADJOURNMENT:

 motion to adjourn by Swindig
President Arndt: Meeting adjourned.

Meeting adjourned at 9:10 P.M.

MOTION _____ Jaenke _____ 2ND _____ Olesen _____ DATE _____ March 15, 2004 _____

YES _____ 6 _____ NO _____ 0 _____ ABSTAIN _____ 0 _____



PRESIDENT OF COUNCIL DR. RONALD F. ARNDT



CLERK OF COUNCIL CHARLES A. NORRIS