

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING FEBRUARY 20, 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 Tuesday, February 20, 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 Griffith, Auditor Chris Costin, and Clerk of Council Charles Norris.

President Arndt: Before we go into our minutes, the Chair just wanted to share an interesting little story today. When I visited Ron, the Barber to get my lovely haircut; as I walk in, I am introduced to this older gentleman who apparently has been a long time resident of the City. I have never met him before. He looked at me and said that I look familiar and when he discovered that I was Council President, he stated that he had a comment and a request. First, the comment is that you are absolutely as ugly in person as you are on TV. His request, however, was to please speak into our microphones because he struggles like many of us in the viewing audience do, to hear what we have to say. So, your ugly Chair is making that request tonight. Dr. Norris, if you will please move on with our minutes.

MINUTES - Corrections (if any) and Approval:

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

Public Hearing Minutes of February 5, 2007 re: T 153-2006

moved by Olesen, seconded by Butkowski to approve the Public Hearing minutes of February 5, 2007 regarding T 153

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 minutes of the regular meeting held February 5, 2007

 moved by Jaenke, seconded by Butkowski to approve the Council minutes of our regular meeting held February 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: Council will also note in their packets were:
Planning Commission Minutes of regular meeting February 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. I hesitated bringing this up, but first a little personal information; simply, because a little newspaper has picked up on a little health issue that I had last week. Over the last several weeks, I worked very hard at losing some weight. In fact, I have lost over 45 pounds. Unfortunately, medication that I had taken had not been adjusted and because of my weight loss, my blood pressure went too low. A warning to everyone out there that might be in a similar situation. I would like to thank those that have expressed their concern, but I am fine and in fact my physician said that I am healthier now than what I have been in years. Although, I am not skinny yet, but I am working on it.

We weathered the Valentines Day blizzard of 2007 quite well. Even though we are still trying to clean up many areas and open up mail boxes and so forth. For all of you that have ribbed me about all the money we have been saving because of our mild winter, you can stop. As a rule, we figure an average snow storm could cost us approximately 50,000 dollars in fuel, salt and labor. To date, last week's storm has cost the City 62,172 dollars in manpower alone; 51,000 dollars in salt as we used approximately 1,500 tons and 11,000 dollars in fuel making it a grand total of 124,132 dollars. We often relay kudos we receive on behalf of our Police, Fire and Service workers. During this storm, all performed above and beyond what normally might be expected. Our Service employees put in many long hours, which I know we pay them for, but they do it without complaint and do go out of their way to get the job done. Some of our Police, I was told, responded to a plea from a local hospital to help get nurses to work to perform their valuable services. Fire Fighters Gary Chase, Rick Knowlton, Barry Cook along with Captain Allen saved a resident's life by going the extra mile literally. After transporting a patient having a heart attack during the blizzard, the hospital called the on-call cardiologist who reported that he could not get out of his garage because of the snow. Being fairly close to the doctor's residence, Squad

26 went and picked the doctor up and delivered him to the hospital as well. As we understand it, the surgery was successful and the patient is doing well. I want to personally thank all of our Service, Fire and Police personnel on behalf of all of our residents for the tremendous job they do and their individual dedication. We are very fortunate for their commitment in keeping us all safe. Thank you all for another job well done.

On a final note, late this afternoon, I received information regarding one of our Home Owner's Associations, which apparently was on Channel 5 news last night. I did not see it last night, but I did see it on their website after being informed today. In our Meadow Lakes Subdivision, there is a Home Owner's Association. Through the developer, they hired a management company known as Multivest Management. According to news reports, as we know very little, Multivest has closed their doors. They represent several associations; not just Meadow Lakes. The FBI is looking into this. I have talked to the County Prosecutor. The Lorain County Prosecutor's office provided a telephone number and contact name to me indicating that it may be publicized for any resident who may have inquiries or may provide any information. That number is 216-522-1400. The contact is Scott Wilson of the FBI. We will certainly be following developments of this as closely as we can. The City does have an interest in this. Obviously, we want to protect our resident's rights as much as we can. We have storm water management concerns and other items that are of interest to the City, so we will try to get this information out as we receive it. There really isn't much we know about it right now. There is a meeting this evening between an attorney representing the Home Owner's Association and the attorney that is representing Multivest and as we learn more information, we will be sure to get that out.

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. I want to add my sincere thanks to our City employees. I've heard several stories of above and beyond conduct by our employees during the blizzard. They are paid for the job they do, but they have stepped up to challenges time and time again to keep the City safe and sound.

I also want to thank the many citizens that have taken long walks with snow blowers to clear sidewalks for neighbors. We have a large number of elderly and disabled residents that cannot or should not be shoveling snow, and it's nearly impossible to find a service that clears snow from sidewalks. Our school children depend on clear sidewalks, so please, do what you can to help keep your neighborhood sidewalks clear.

And finally, the appropriations process is underway. Our department heads will have a very

short time before Council's Finance Committee to explain a budget request that will have to last them all year. They are eager to explain their needs so please take the time to visit or call them if you would like more detail than can be provided in the short presentation they are permitted to give. 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: While eating my meal prior to tonight's council meeting, I read an article published by Environmental Protection magazine on Buying Clean Electricity.

Non-renewable fossil fuels such as coal and oil are used to generate most of the electrical power in this country and unfortunately, most of that power generation also pollutes our air and water. However, the electricity industry is changing. At least 50 percent of power customers now have the option to purchase renewable electricity directly from their power supplier. Such power is sometimes referred to as green power or clean power.

In many states, you can buy clean power through either a program called Green Pricing or through competitive electricity markets. Some power companies are now providing an optional service, called green pricing, that allows customers to pay a small premium in exchange for electricity generated from clean, renewable energy sources. The extra premium covers the increased costs incurred by the power provider, the electric company, when adding renewable energy to its power generation mix.

In some parts of the country, consumers can choose not only how their electricity is generated, but also who generates it. Just as the long-distance telephone industry was restructured, certain states have restructured their electricity industry in order to allow competition among electricity generators. In some of these states, clean power generators, who specialize in producing electricity using renewable sources, are taking advantage of the restructured market to sell clean power products to residential, commercial, and wholesale customers.

Some suppliers are also teaming with these competitive marketers to offer more green power options. Efforts to sell clean power are aimed at consumers who will choose to pay slightly more for renewable energy products and services that reflect their environmental values. The small premium you pay offsets the additional costs power companies incur in purchasing and/or generating electricity from renewable sources.

If such an option is offered to you, please consider accepting it for the good of our future generations. Thank you Mr. President. That concludes my report this evening.

President Arndt: A question I would ask is what would be some examples of some renewable energy sources.

Engineer Griffith: Anyone who has been through downtown Cleveland recently, would see a big windmill located down towards the lake. That is one source.

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 have a few items of financial interest. First of all, with the challenges over the last couple of weeks, we were unable to meet our cloture for the final written report. That is why we had given you a preliminary report initially. Subsequently, the final report is now completed and you should have all received that. I would draw your attention to the fact that in the revenues, you will see a lot of minuses. The reason for that is that we have not yet received the final County revenue information to insert in there. Don't be alarmed, as those minuses are a good thing; quite frankly, it means that we have received more than what we have in our estimated column. That will change as soon as we receive our final information. The final report for January is the first issue.

Auditor's Written Financial Report for January 2007

 moved by Butkowski, seconded by Buescher to approve the Auditor's Written Final
 Financial Report dated January 31, 2007

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, with all due respect, we just received this, this evening and I have not had a chance to review it yet. Although, I am sure that it is as accurate as it always is, I would still like an opportunity to review it first. Thank you.

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

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

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

Auditor Costin: Mr. Chairman and members at the last meeting we discussed the projects for which there were two ordinances on the agenda. We actually received verbal approval to obtain the issuance of BANs legislation, which would need to be in place before we could pass the ordinances for the construction projects. This entails a number of things. First of all, the construction ordinances are T 15, T 6 and T 3. When we were working on the BANs legislation, we found it necessary to amend T 3 and the simplest way to do that would be by substitution and you should have that in your packet, I believe, a substituted ordinance for T 3. Also, on the agenda are T 11 and T 12. If it is Council's desire to pass the construction ordinances tonight consisting of T 15, T 6 and T 3, it would also be necessary to pass T 11 and T 12, which would be the funding for these projects. In addition, not only do we have to fund the projects, we have to appropriate them. So, we would also need to pass T 10 tonight. We don't typically amend our

temporary appropriations, but because of the urgency of the projects this year, we need to do that. Not having good practice in revising temporary appropriations, you will also see before you another ordinance we would like to amend, simply by substitution and this one was on your desks when you came in. What it was, was a result of going back and allowing some additional contingencies. It is funding for all the projects that we are talking about here in the BANs issuances. Also, simultaneous, there is one additional item noted as Clerk of Court Computer Service Funds. It is necessary and advantageous for that department to do an upgrade of their computers and order additional technology. We wanted to have additional funding in place, if that is okay with Council, to allow them to move forward quickly on that particular project. That money is coming from Clerk of Court Computer Service Fund. We can not do anything else with that money except to use it on computer systems within their department. That was added to this ordinance to make it convenient and efficient.

President Arndt: Are you referring to T 10 in particular?

Auditor Costin: Yes, that is on T 10. The only difference between the T 10 that was in your packet and the one received this evening, were some modifications. I had to change the name of one of the funds and we added a Park and Rec improvement for 60,000 dollars and MVR for 85,000 dollars. All related to projects that are on the board or have just passed.

Council Member Buescher: Mr. President, Mr. Costin, do you need any of these passed by emergency tonight.

Auditor Costin: I would need the BANs passed by emergency. I would have to refer to the Administration regarding the temporary appropriations, as I don't know how quickly we would be issuing purchase orders. If we are going to do anything related to the construction ordinances, then we would need those passed by emergency. I will defer on 15, 6 and 3, but we would need 10, 11 and 12.

President Arndt: For clarification purposes, you are saying that you are looking at T 10, 11 and 12 with emergency.

Auditor Costin: Correct. That would allow us to proceed on passing 15, 6 and 3, which are the construction ordinances.

Mayor Gillock: We will need the emergency on T 3, which is the water line project. That job has been bid and the contractor is ready to go as soon as we authorize the funding. In fact, the pipes are already laying there. We would like to get going on that one. I believe that is the only one that we need done tonight.

President Arndt: So, to clarify for all of us on Council, we are looking at a request for passage with the emergency tonight on T10, T3, T 11 and T 12. Correct me if I'm in error?

Auditor Costin: That is correct. One last note, T 14 for the bidding of supplies, action would not be necessary at all tonight.

President Arndt: We can amend by substitution when we get to each one of those individual pieces of legislation. We will be looking at T 10 and T 3 to amend by substitution, if I have that correct?

Auditor Costin: Correct.

President Arndt: Mr. Costin, anything else?

Auditor Costin: If there are any detailed questions, I would be glad to answer them when they come to the floor.

President Arndt: Any other questions from the members of Council before we move ahead?

Council Member Boose: Yes, Mr. President. Do any of these need to be approved prior to any of the other ones so that the funding is in place before they are passed?

Auditor Costin: I believe that as long as they are all going to be passed at this meeting, we will be fine. They don't have to be in any particular order.

President Arndt: Does anyone else have any other comments or questions. I want to make sure that we are absolutely clear on what we are voting on and moving forward. Dr. Norris, if you will read our other reports.

- **Other Reports:**

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

Building Department Report for January 2007;

Fire Department Report for January 2007;

Service Department 2006 Report of Water Master Meter Readings;

Water Operation Report for January 2007;

Police Department Support Car Report for January 2006;

Treasurer's Annual Report for 2006 and

OM Public Sector Solutions Monthly Report dated February 13, 2007.

President Arndt: Thank you. Dr. Norris, if you will continue on with our Council Committee Reports.

COUNCIL COMMITTEE REPORTS:

Clerk of Council Norris: We have two Council Committee Reports this evening.

FINANCE COMMITTEE REPORT #5645 dated February 12, 2007: Members of Council: We have considered the matter of supporting the concept of "Renewable Source Energy Plan" created by French Creek Wastewater Treatment Plant and recommend that this request be approved and proper legislation be drawn.

Signed: Chairperson Manning and Members Boose and Jaenke

 moved by Manning, seconded by Jaenke to approve the Finance Committee Report
 #5645

President Arndt: Is there any discussion?

Council Member Boose: Mr. President. The Committee Report specifically reads that we're recommending support of the concept of the renewable source energy. The plan was just presented to us the evening of the meeting. This plan is a business plan. We didn't have time to

go through all the numbers and such. I have called and asked some follow up questions for the Superintendent at French Creek Waste Water Treatment Plant and he hasn't got back with me yet. It is a good concept, we just need to make sure that all the numbers are there before we proceed. Thank you.

President Arndt: If I understand your statement, you are emphasizing that this is a concept at this particular point. Is there any other discussion? For clarification, we have a motion by Mrs. Manning, a second by Mr. Jaenke to approve the Finance Committee Report #5645 supporting the concept of a renewable source energy plan. 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 correspondence.

CORRESPONDENCE:

Clerk of Council Norris: There are three items of correspondence:

1) Received a memo from Service Department Superintendent Chris Rangus submitting a short list of concerns with funding, future growth and safety.

President Arndt: Before we move on, a couple of things. Number one, the list isn't so short but we can also thank Mr. Rangus for being exquisitely thorough, so as such, the CHAIR REFERS THIS TO BOTH THE FINANCE COMMITTEE AND ADMINISTRATIVE COMMITTEE.

2) Received a letter from E.P.A. Mobile Sources Section Supervisor David Alspaugh informing the City on requirement to comply with the automobile emissions inspection requirements.

3) Received a letter from Lorain County Auditor Mark Stewart and Special Projects Coordinator Jack Kilroy notifying the City of the upcoming review of Tax Increment Financing Agreements on Thursday, March 8, 2007.

President Arndt: We now move into our new business section and before Dr. Norris reads our new business, just an alert that the Chair will be asking Dr. Norris to assign this a T number and then the Chair will be making a referral.

NEW BUSINESS:

Clerk of Council Norris: The T number will be T 17 and T 17 refers to:

A Petition from Bagley Lorain Properties LLC to rezone approximately 13.05 acres on the southeast corner of Butternut Ridge Road and Bagley Road from R-1 Residence District to SDD Special Development District.

President Arndt: THE CHAIR NOW REFERS T 17 TO BUILDING AND LANDS AND THE PLANNING COMMISSION.

President Arndt: We now come to our Lobby portion of the evening.

AUDIENCE PARTICIPATION (Lobby):

President Arndt: This is an opportunity for our audience to step forward and speak to your City Council. We request that should you choose to do so, that you fill out the lobby form that you can find in the back of the room because it gives us the opportunity to follow up with you, personally, should there be a need to do so. When you come forward to the podium immediately to the right of Mrs. Buescher, please clearly state your name and your address and limit your comments to three minutes. The lobby is now open.

- 1) Sandy Viskocil of Meadow Lakes Development spoke regarding her concerns in regard to a court case involving Mr. Dettore and the removal of dirt from on top of the water main, which is under eight feet of dirt and asked why the City isn't making him do so.

President Arndt: Thank you, we will direct your question to our Mayor and or the Engineer.

Mayor Gillock: Yes, this really doesn't involve the City, but I do know what is going on with it. This is a civil issue between the City of Avon Lake Municipal Water Authority and Mr. Dettore. Avon Lake has a 42 inch water line that goes from Avon Lake all the way to Medina. It goes through there on the north-south route. They have an easement on Mr. Dettore's property to have that line there. The dirt goes east and west along Barres Road and goes across that easement. They did ask him to lower that. I don't know the details of why he doesn't want to do that, but that is in the Court of Common Pleas being adjudicated and that is where it lies. It doesn't involve the City of North Ridgeville at all.

Sandy Viskocil: It runs right through Meadow Lakes, which is North Ridgeville property. How can you say it doesn't affect North Ridgeville? If that line breaks, I don't know how many homes, including mine, will be under water.

Mayor Gillock: Avon Lake Municipal Water Authority is a Tax Collecting agency, all on its own. It is a public entity which has the agreement with Mr. Dettore regarding that easement. The City has nothing to do with the operation or maintenance of that line other than maybe through Planning when it went through. We have no authority over the Avon Lake Municipal Water Authority.

Sandy Viskocil: If the Engineering, Water Department assumes that, that is a major problem.

Mayor Gillock: Our Water Department did not assume that. That is not our Water Department.

Sandy Viskocil: If it is in North Ridgeville, why wouldn't North Ridgeville make them.

Mayor Gillock: That is not our Water Department. Our Water Department doesn't have anything to do with that line. That line belongs to the City of Avon Lake. It is simply like a railroad track. We have no authority or anything to do with it. Maybe the Law Director could add to that.

Law Director Crites: That is indeed the fact. It is private property, in which the private property owner has granted a right to an entity other than the City of North Ridgeville to put a water line

through it. It is not under our jurisdiction to do anything with. It is in the Court of Common Pleas as the Mayor has alluded to and litigation, so something is going to happen to it. Unfortunately, it is on Courthouse time right now. Something eventually is going to happen to it. I haven't tracked it to be perfectly honest with you because it is not one of the situations that we are entrusted to take care of. It does have a remote or tangential connection to us as Larry might be able to confirm, because I do believe that we get some water through that line. In the event that dirt mound did crush that line, it would be a problem, but the simplest way to say it and its not that we don't care because of course we would, but it is nothing that we have legal authority to go in and affect at this point.

Council Member Buescher: Mr. President, I agree with Mrs. Viskocil. It seems like a very simple solution, so I can see how it is hard for the property owners to understand why some of that dirt isn't simply removed and the problem solved. However, as the Mayor said, it is in the courts and it's beyond our power at the moment, but it is certainly puzzling and I do have to agree with you.

Mayor Gillock: In fact, Mr. President, I have addressed both parties and said this seems like a simple solution and asked if there was any way I can help resolve this and the answer was that it is in the courts. They want to fight it out in court and there is really nothing we can do.

Sandy Viskocil: If by chance, the water line breaks and it floods the houses, whose responsibility is it then?

Safety-Service Director Johnson: If there was a clear danger of that water line bursting because of the dirt on top of that, we might be able to act, but if it was that clear, the courts would have ordered it to be taken care of right now. It is not that cut and dry. It is a pretty stout line and it goes all the way from Avon Lake down to Medina County. There is a slight possibility that it may get damaged, but we aren't talking about flooding the entire Meadow Lakes area. I don't believe that is an issue.

President Arndt: I was just wondering if Mrs. Viskocil would have an opportunity to check in with you on a somewhat regular basis to find out where this is in terms of the litigation.

Law Director Crites: Certainly, but that means that I would then have to go and find out where it is because I don't know as I'm not handling it. Before Dr. Ron spoke; what I was going to recommend is that Avon Lake has a very approachable Law Director named Jeffrey Smith. That is his job to represent the Avon Lake Municipal Water Authority, who would be a good person to call to request updated information as well as Mr. Dettore's council. Likewise, if you have computer access, the Lorain County Clerk of Courts has a pretty user friendly website which includes public access. If you enter in Avon Lake Municipal Water Authority or Dettore, the case will come up. However, I would start off with Avon Lake Municipal Authority as you would probably have a shorter menu.

Sandy Viskocil: When I read the article, it just didn't dawn on me that it was Avon Lake. I assumed that it was here. Do you have any authority over the ponds that are through the development or is that strictly Dettore's also.

Mayor Gillock: Anything to do with storm water management, would involve Mr. Griffith.

Sandy Viskocil: When we bought our house, we had a pond and a fountain behind us. The water level was so low that the fountain kept going out. So, the City of North Ridgeville Engineering

put a plate up so that the water level was up a little bit from the culvert so the fountain would run. All of a sudden, some City Engineer bought a house in the street behind them and all of a sudden he decided that because of the rain we had it backed up too much to the pond area, so the City Engineer took the plate out of the fountain area, so now the level is too low and the fountain doesn't work. We haven't had a fountain in there since July. I would like to know if you are ever going to put the fountain back and raise the water level?

Engineer Griffith: The ponds belong to the residents of Meadow Lake through their Home Owner's Association, which in this particular case is Mr. Dettore. That particular pond, the plate that was placed there was done so illegally. It was not done with our permission. What they did was when they put the plate in, they did raise the height of the water, which reduced the detention capacity of the lake and this is against the law. We ordered that plate to be removed. We explained to them that if they want to put a fountain in there, they have to make the lake deeper and that is where it stands right now.

Sandy Viskocil: There was one in there when we bought the property.

President Arndt: Mrs. Viskocil, your three minutes are up.

moved by Boose, seconded by Buescher to suspend our By-Laws to give Mrs. Viskocil up to three more minutes to state her case or ask her question

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

Yes, 7

No, 0

Sandy Viskocil: Thank you. When we bought the property there was a fountain back there so, doesn't that give us some right to have one in there now if it was there when we bought it?

Engineer Griffith: That would be a civil matter.

Sandy Viskocil: If he isn't doing anything, then how do you fix that? If he refuses to fix it, they are thinking about it, they are trying to figure it out, so what do you do to get them to fix it?

President Arndt: This will be answered most appropriately by our Legal Council.

Law Director Crites: Your claims are understandable, but those would be civil claims, meaning, claims between you and your actual developer. The only way the City would be involved with the water would be under our policed power of the City to maintain the water courses for the benefit of the municipality as a whole. Amenities such as that, whether they are there or not or should be there, are going to be a civil contractual matter, for lack of a better word. That is a long answer saying that it's something that you are stuck having to take up with the person and the developer that you bought the house from.

Sandy Viskocil: There is no way to make them do this since it was there to begin with and that is why we bought the property and all of sudden they have taken it away.

Law Director Crites: I wouldn't say that. That is your claim that you would take forward and try to have them enforce that and whether or not you would be successful is not for me to gauge.

You and your well qualified lawyer, or I would try yourself first, to raise that claim and see what they have to say. The point being is that, unfortunately, that is outside of what the City can do for you. That is a claim between you and your developer.

Council Member Olesen: Mr. President, what about going through your Home Owner's Association.

Sandy Viskocil: That's gone. The Board of Directors of the Home Owner's Association is Dettore, his daughter and his lawyer. The Association just closed down because they stole all the money.

Mayor Gillock: Mr. President, just to clarify a little bit. The Association is still there, whoever is on that Board. The management company they hired is gone. Certainly, there are issues with that. There is still a Home Owner's Association. They need to answer or respond to your questions.

Sandy Viskocil: But they don't.

Mayor Gillock: Unfortunately, as Law Director Crites has said, it is a civil matter, but they are still there and that is the proper place to address those types of questions.

Council Member Boose: Mr. President, would it be possible to ask the resident to spell her last name and give her address. I didn't see that she filled out a form.

Sandy Viskocil: V, I, S, K, O, C, I, L and I live at 38195 Pebble Lake Trail and my first name is Sandy.

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

 moved by Arndt, seconded by Jaenke 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: We now move to our ordinance and resolution submittals. Dr. Norris if you would begin with our ordinance and resolution submittals.

ORDINANCES AND RESOLUTIONS:

Clerk of Council Norris:

T 10-2007 AN ORDINANCE AMENDING TEMPORARY APPROPRIATION
ORDINANCE 4352-2006 FOR THE CITY OF NORTH RIDGEVILLE, OHIO
FOR THE PERIOD COMMENCING JANUARY 1, 2007 AND ENDING
MARCH 31, 2007.

 moved by Olesen, seconded by Boose to suspend our By-Laws tonight to amend T 10 by substitution

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 Boose to suspend our By-Laws tonight to give T 10, as amended by substitution, 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

T 13-2007 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ON BEHALF OF THE CITY WITH THE LORAIN COUNTY RURAL WASTEWATER DISTRICT CONCERNING THE COLLECTION AND DISPOSAL OF WASTEWATER IN THE PROPOSED JOINT ECONOMIC DEVELOPMENT DISTRICT IN EATON TOWNSHIP.

President Arndt: THE CHAIR REFERS T 13 TO BUILDING AND LANDS COMMITTEE.

T 14-2007 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH 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.

T 15-2007 AN ORDINANCE AMENDING ORDINANCE NO. 4317-2006 REGARDING THE INSTALLATION OF A TRAFFIC SIGNAL AT THE LORAIN ROAD AND BAGLEY ROAD INTERSECTION, INCLUDING OTHER NECESSARY APPURTENANCES AND WORK-RELATED INCIDENTALS THERETO, AND INCREASING THE AMOUNT FROM \$130,000.00 TO \$265,000.00.

President Arndt: Before we move forward, the Chair would like to request from the Mayor or Engineer some explanation of the difference.

Engineer Griffith: There is a cliché that I am not certain exactly how it is said, but it something to the effect that if you do something in haste, then you have all kinds of time after that to regret the haste. When I did that original estimate, I really did it in a hurry and I based it on the left turn lane. The signal cost came out about the same, but the additional cost is through the turn lane. I based the cost on the turn lane that was constructed for the Root and Lorain project at Lear Nagle and Chestnut Ridge. When discussing this with the Engineer who did the plans for us, he pointed out to me something that should have been obvious to me, but wasn't. That was that this specific design was only meant to last approximately five years because that intersection is going to be completely rebuilt when Lear Nagle gets widened. Whereas, this intersection, that pavement is going to need to be there at least twenty years. Therefore, the design is going to have to be considerably different than what we put down there at Chestnut. In a nutshell, I blew the estimate.

President Arndt: I have to give you a lot of credit. I don't think too many of us would stand in front of anybody and say, oops. So, I was not intentionally putting you on the spot, other than to just understand what that distinction is. I want to thank you for that frankness. I would ask the Mayor or the Auditor then, in terms of the funding, will the contributions remain the same from the developers?

Mayor Gillock: When we originally went to the two developers, we only talked to them about the

signal. We didn't talk to them about a turning lane or the widening that we planned to do on Bagley, so, they paid their portion. The light estimate from Signal Services was 89,000 dollars. They put in 81,000 dollars on a prorata basis, toward the light. So the additional expenses are ours. That would be deducted from the 265,000.

Auditor Costin: I would like to add to that, Mr. Chairman. I was going to explain this when we got to T 12. However, after recognizing the intention indicated during prior meetings of putting this in; what we did was, we added the additional cost into the BANs ordinance of T 12.

Council Member Jaenke: Mr. President, also, just as further information, I did discuss this whole intersection with our Engineer. You and I travel that route frequently. So, what is going to happen is as you are traveling east on Lorain and turning into Bagley, I think we all thought that would just be another black top strip, there will be curves there now, which will help control water and it will be concrete. I think we all assumed that there would just be a light plus some asphalt work. The bottom line is that it will be done correctly. As Larry indicated, it will be a long term, twenty five year project. I think the additional dollars are certainly necessary to do it right.

President Arndt: Any other discussion or questions? I really appreciate your frankness, so thank you. That concludes T 15.

 moved by Gillock, seconded by Buescher to suspend our By-Laws to give T 15 tonight its first reading

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

 Yes, 7 No, 0

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

President Arndt: THE CHAIR REFERS T 16 TO THE PLANNING COMMISSION.

President Arndt: That concludes our submittals. Dr. Norris, if you will begin our first readings with T 162.

• **First Readings**

Clerk of Council Norris:

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

 First Reading

T 3-2007 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
4365-2007 AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A
MANNER PRESCRIBED BY LAW FOR THE DEBORAH DRIVE AND
PAULA BOULEVARD WATERLINE REPLACEMENT, NOT TO EXCEED
\$650,000.00.

First Reading

moved by Boose, seconded by Buescher to amend T 3 tonight by substitution per
the changes including parts of Charles Road, Leslie Avenue and together with
necessary appurtenances and work incidental thereto, not to exceed 650,000

President Arndt: Is there any discussion?

Council Member Butkowski: Mr. Chairman. Under the Whereas, it says water man. That should
be water main.

President Arndt: We are amending by substitution and making certain that it states main and not
man. Is there any discussion? All those in favor signify by yes. All those opposed by no. Any
abstentions?

Yes, 7 No, 0

moved by Boose, seconded by Buescher to dispense with the second and third
readings tonight on T 3 as amended

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 Boose, seconded by Butkowski to adopt tonight T 3

moved by Boose, seconded by Butkowski to add the emergency tonight to T 3 as
amended so that the workers can begin the replacement of the lines since the pipes
are already laying out on the street

President Arndt: Is there any discussion?

Council Member Boose: Yes, Mr. President. I'd like to ask the Mayor or Engineer how long
they anticipate this project to take place.

Engineer Griffith: My guess would be approximately two months. I would imagine that by the
time the weather is turning nice, he will be ready to do his restoration work.

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

Yes, 7 No, 0

President Arndt: Additionally, we have a motion on the floor by Mr. Boose and a second by Mrs.
Butkowski to adopt tonight T 3 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 3 is adopted with the emergency and becomes permanent ordinance
number 4365-2007.

Permanent Ordinance No. 4365-2007

T 6-2007 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 LORAIN ROAD RECONSTRUCTION, PHASE 2 (BAGLEY ROAD TO ROOT ROAD), AND TO NEGOTIATE AND ENTER INTO A CONTRACT WITH A CONSULTING ENGINEERING FIRM FOR PLANS, SPECIFICATIONS, AND CONSTRUCTION PHASE SERVICES FOR SAME, NOT TO EXCEED \$672,000.00.

First Reading

T 11-2007 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF
4366-2007 \$600,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING THE CITY'S WATERWORKS SYSTEM BY REPLACING CERTAIN EXISTING WATER MAINS, WATER SERVICE CONNECTIONS, FIRE HYDRANTS AND VALVES ON DEBORAH DRIVE, PAULA BOULEVARD, CHARLES ROAD AND LESLIE DRIVE, TOGETHER WITH NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO.

First Reading

moved by Boose, seconded by Butkowski to dispense with the second and third reading this evening

Council Member Olesen: Mr. President, point of order. I don't think we finished that one.

Council Member Buescher: Mr. President, we didn't act on T 6 and I think we were suppose to pass that this evening.

President Arndt: We need to go back to 6. Let's go back to 6 after we complete 11.

Law Director Crites: I don't believe we are passing six.

President Arndt: I would like to get some clarification. My understanding was that a request was made from our Auditor to pass on emergency T 10, T 3, T 11 and T 12. Not T 6.

Auditor Costin: I think the question was the emergency and I apologize if there was any misunderstanding. We wanted to pass 15 and 6 without the emergency.

President Arndt: I stand corrected. I apologize ladies and gentlemen. I will go back to T 6 after we complete T 11 because currently it has been read and we have a motion on the floor by Mr. Boose; a second by Mrs. Butkowski to dispense with our second and third readings tonight on T 11. Is there any discussion?

Council Member Olesen: Mr. President, I think our Clerk stopped the reading at Leslie Drive and there is another two lines to that.

President Arndt: Please read those two lines.

Clerk of Council Norris: Together with necessary appurtenances and work incidental thereto.

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

Yes, 7 No, 0

moved by Boose, seconded by Buescher to adopt tonight T 11

moved by Boose, seconded by Buescher to add the emergency so that we can have the funding in place to get the job completed as quickly as possible

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

Any abstentions?

Yes, 7 No, 0

President Arndt: Additionally, we have a motion on the floor by Mr. Boose and a second by Mrs. Buescher to adopt tonight T 11 with the emergency. 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 11 is adopted with the emergency and becomes permanent ordinance number 4366-2007.

Permanent Ordinance No. 4366-2007

 moved by Arndt, seconded by Jaenke to reconsider T 6 for completion of action

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

Yes, 7 No, 0

T 6-2007 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
4367-2007 AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A
 MANNER PRESCRIBED BY LAW FOR THE LORAIN ROAD
 RECONSTRUCTION, PHASE 2 (BAGLEY ROAD TO ROOT ROAD), AND
 TO NEGOTIATE AND ENTER INTO A CONTRACT WITH A CONSULTING
 ENGINEERING FIRM FOR PLANS, SPECIFICATIONS, AND
 CONSTRUCTION PHASE SERVICES FOR SAME, NOT TO EXCEED
 \$672,000.00.

 moved by Olesen, seconded by Butkowski to dispense with the second and third
 readings tonight on T 6

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 Butkowski to adopt tonight T 6

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 6 is adopted and becomes permanent ordinance number 4367-2007
Permanent Ordinance No. 4367-2007

T 12-2007 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF
4368-2007 \$535,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS,
 TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING LORAIN ROAD
 BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING,
 CONSTRUCTING CURBS, CATCH BASINS AND STORM SEWERS,
 RECONSTRUCTING THE PAVEMENT BASE AND PAVING AND
 IMPROVING BAGLEY ROAD AT ITS INTERSECTION WITH LORAIN
 ROAD AND SOUTHERLY APPROXIMATELY 450 FEET BY GRADING,

DRAINING, WIDENING AND PAVING TO ADD A TURN LANE AND BY
INSTALLING TRAFFIC SIGNS AND SIGNALS, IN EACH CASE
TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK
INCIDENTAL THERETO.

First Reading

moved by Olesen, seconded by Butkowski to dispense with the second and third
readings tonight on T 12

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 Butkowski to adopt tonight T 12

moved by Olesen, seconded by Butkowski to add the emergency because of the
time constraints on this project

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

Yes, 7 No, 0

President Arndt: Additionally, we have a motion on the floor by Mr. Olesen and a second by
Mrs. Butkowski to adopt tonight T 12 with the emergency. 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 12 is adopted with the emergency and becomes permanent ordinance
number 4368-2007.

Permanent Ordinance No. 4368-2007

T 10-2007 AN ORDINANCE AMENDING TEMPORARY APPROPRIATION
4369-2007 ORDINANCE 4352-2006 FOR THE CITY OF NORTH RIDGEVILLE, OHIO
FOR THE PERIOD COMMENCING JANUARY 1, 2007 AND ENDING
MARCH 31, 2007.

First Reading

moved by Boose, seconded by Buescher to dispense with the second and third
readings tonight on T 10 as amended

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 Boose, seconded by Buescher to adopt tonight T 10

moved by Boose, seconded by Buescher to add the emergency tonight to T 10 as
amended for the betterment and welfare of the City

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: Additionally, we have a motion on the floor by Mr. Boose and a second by Mrs.
Buescher to adopt tonight T 10 as amended 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 10 is adopted with the emergency and becomes permanent ordinance number 4369-2007.

Permanent Ordinance No. 4369-2007

T 15-2007 AN ORDINANCE AMENDING ORDINANCE NO. 4317-2006 REGARDING
4370-2007 THE INSTALLATION OF A TRAFFIC SIGNAL AT THE LORAIN ROAD
AND BAGLEY ROAD INTERSECTION, INCLUDING OTHER NECESSARY
APPURTENANCES AND WORK-RELATED INCIDENTALS THERETO,
AND INCREASING THE AMOUNT FROM \$130,000.00 TO \$265,000.00.

First Reading

moved by Buescher, seconded by Butkowski to dispense with the second and
third readings tonight on T 15

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 15

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, just for clarification, I would like to make sure that the
265,000 is prior to the 81,000 that the developers are paying toward the light.

Mayor Gillock: That is correct.

President Arndt: Are there any other questions or discussion? All those in favor signify by yes.
All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 15 is adopted and becomes permanent ordinance number 4370-2007.

Permanent Ordinance No. 4370-2007

President Arndt: That concludes all of our first readings. We have no second readings. Dr.
Norris, if you will read our singular third reading.

• **Third Readings**

T 2-2007 AN ORDINANCE AMENDING NRCO SECTION 452.03 PROHIBITED
4371-2007 STANDING OR PARKING PLACES.

Third Reading

moved by Olesen, seconded by Jaenke to adopt tonight T 2

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, as Chairman of the Safety Committee, I did receive
correspondence from the Police Chief indicating that he has met with others and they have
confirmed that this is the only change in the ordinance that they are recommending.

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

Yes, 7 No, 0

Clerk of Council Norris: T 2 is adopted and becomes permanent ordinance number 4371-2007.
Permanent Ordinance No. 4371-2007

President Arndt: We have no old business tonight and that brings us to upcoming meeting announcements. Dr. Norris, if you will read our upcoming meeting announcement.

UPCOMING MEETING ANNOUNCEMENTS:

Clerk of Council Norris: Upcoming meeting announcements include:

Next Regular Council Meeting Monday, March 5, 2007 at 7:30 P.M. in Council Chambers.

Council Member Boose: Mr. Chairman, as Chairman of the Safety Committee, I have announced that a Safety Committee Meeting will be held on Thursday, March 2, 2007 at 6:30 P.M. in the conference room. Thank you.

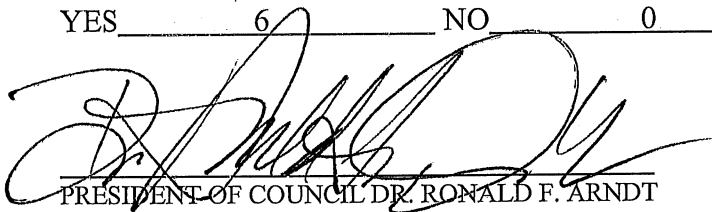
ADJOURN:

moved by Butkowski to adjourn

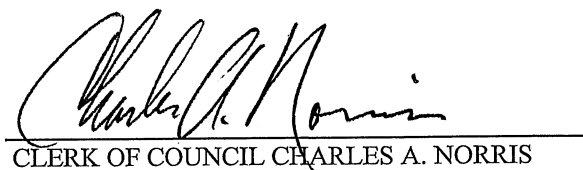
Meeting adjourned at 8:43 P.M.

MOTION _____ Boose _____ 2ND _____ Butkowski _____ DATE _____ March 5, 2007 _____

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



PRESIDENT OF COUNCIL DR. RONALD F. ARNDT



CLERK OF COUNCIL CHARLES A. NORRIS