

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING DECEMBER 20, 2004**

CALL TO ORDER: 7:30 P.M.

President Ronald Arndt: The Chair calls to order tonight, the North Ridgeville Municipal City Council regular meeting dated December 20, 2004.

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 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.

moved by Arndt, seconded by Young to suspend our By-Laws tonight to start the tape recording of our first reading of T 151-2004

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

Auditor Costin: Mr. Chairman, I believe that is the temporary appropriations. You should have already been presented with our final appropriations, which I will explain once we get there. I am going to request that it be added to our agenda and passed tonight. I will explain what this entails. Accordingly, this is also added onto the tape if you won't mind adding that to be read.

President Arndt: Thank you Mr. Auditor, I intend to do that. Any other discussion. All those in favor signify by yes. All those who opposed signify by no. Any abstentions?

Yes, 7 No, 0

moved by Arndt, seconded by Young to suspend By-Laws to add the amended appropriation ordinance that we have on our desk

President Arndt: Is there any discussion?

Council Member Butkowski: Could you give that a T number, please Mr. Chairman?

President Arndt: Indeed. I was going to do that right after we voted. However, thank you for that.

Clerk of Council Norris: That will be T 159.

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

Yes, 7 No, 0

moved by Arndt, seconded by Young to suspend By-Laws to start the tape recording of the first reading of T 159

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

Yes, 7 No, 0

Mayor Gillock: Mr. President, are you adding T 159 under first readings or where are you putting this on the agenda?

President Arndt: It's under first readings. Will the Clerk please read our minutes.

MINUTES - Corrections (if any) and Approval:

Clerk of Council Norris: Council has before it the:

Public Hearing Minutes of December 6, 2004 re: T 133-2004

moved by Butkowski, seconded by Young to approve

President Arndt: Is there any discussion?

Council Member Swindig: Mr. Chairman, in the attendance, my name has been omitted. I would like that added please.

President Arndt: Consider Mr. Swindig's name added. 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

Clerk of Council Norris: Also before council are

Council Minutes of the Regular Meeting held December 6, 2004

moved by Jaenke, seconded by Butkowski, to approve

President Arndt: Is there any discussion? There being none, all those in favor signify by yes.

All those opposed signify by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Council, will also note:

Board of Zoning and Building Appeals Minutes of special meeting held December 8, 2004.

MAYOR AND DIRECTORS REPORTS:

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

Mayor:

Mayor Gillock: Thank you Mr. President. I would like to advise Council that I received word Friday from the County Department of Development that the State had approved our grant applications for the Walgreens, Lear Nagle straightening project. This is the final approval. After the Director signs off, we should receive a pre-agreement notice later this week, with a release of funds shortly thereafter. As soon as the funds are released, construction can be begin. We are hoping for an opening date of no later than July 1, next year. If you drive by this site, you will note that they have moved construction trailers in and have begun clearing this site.

Under ordinances and resolutions tonight, you will find legislation to borrow 250,000 dollars and a final resolution regarding the route 83 railroad overpass project. We have to pay this to the

State by December 29 of this year. This is for our portion of this 4,000,000 dollar plus project to build the overpass over the railroad tracks located on route 83. Therefore, I would ask that this be passed this evening with the emergency. They anticipate beginning construction on that in the Spring.

You will also find legislation allowing us to enter into an agreement with ODOT for the repaving of Center Ridge Road next year, from City line to City line. This has to be returned to them before December 22, so we need to pass this tonight also, with the emergency.

President Arndt: Mr. Mayor, for clarification, which T number is that?

Mayor Gillock: T 145-2005. For Council's information, we pay twenty percent basically of that cost by ODOT's urban paving project and funds are not associated with this legislation. Our portion of that will be 316,854 dollars. Again, as I stated this has to be returned to them before December 22 so, we need to pass this tonight with the emergency. Also, please be aware we are now meeting monthly with ODOT, NOACA and others in regard to widening Center Ridge Road. This long term project has us working on obtaining 2010 or 2011 funding, although funds may be received earlier if approved. Therefore, it makes sense to go ahead with the repaving of Center Ridge Road, taking into consideration that the widening might not take place for several years.

The North Ridgeville Codified Ordinances are now on line on the web. You can access them by going to www.amlegal.com/nridgeville_oh. That's www.amlegal.com/nridgeville_oh. Keep in mind, that site is not totally current, and there may be some changes within the last year that have not been included in the last codification of the ordinances. The actual ordinances that are put on the web are those that were published by the company that codifies our ordinances, which was updated a year ago.

I would like to thank the service garage for the tremendous work they have been doing the last week. I would like to clarify that we have not, and will not, reduce salting on the major thoroughfares. Last Monday we were hit with an ice storm just prior to our employees reporting to work. By the time our trucks were loaded and out, the streets were already clogged with early morning drivers on their way to work, and our trucks were essentially caught in traffic. We cannot salt before the freeze. This doesn't work and it ruins our streets. This happened twice last year, and unfortunately there isn't much we can do about Mother Nature's timing. We ask that drivers be patient, give our drivers room to operate and drive carefully. Please keep in mind that we are short one of our large trucks, a 1978 model that finally bit the dust, which also slows us down. We spread approximately 800 tons of salt between last Monday and this weekend. Everyone is pitching in, including our Superintendent who was out driving a truck, plowing yesterday evening, cleaning cul-de-sacs between four and 11 last night.

Lastly, I would like to request an executive session after the lobby portion of the meeting to discuss personnel issues.

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. Let me start by providing another website for your reference. There is a link from the city's website www.nridgeville.org which will allow access to the website the Mayor mentioned.

I would like to remind residents to stay at least one hundred feet away when following the snow plows. These trucks have to back up often and if you are following too closely, the operator will not be able to see you.

Finally, I would like to wish everyone a very Merry Christmas. 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: Along with the snow, comes the salt and road grime all over the car. If it were summer, I would ask you to wash your car on the lawn as the grass and soil will filter the contaminants out of the run off water. Since that is almost impossible during the winter months, try to wash your car in your garage where the floor drain is connected to the sanitary sewer. This will help in filtering those contaminants. If it is financially possible, I recommend that you use a car wash. Thank you, Mr. President.

Auditor

Auditor Costin: Thank you, I have in addition to the Auditor's Written Report for November 2004, I am requesting several items. First, being the report.

Auditor's Written Financial Report for November 2004

moved by Swindig, seconded by Buescher to approve the November 2004 report.

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

Auditor Costin: Thank you. This being the last meeting of the year also represents the time we do our year end financial house cleaning of financial issues. According, I would request the following.

T 159, which was our final appropriation ordinance was due to meet cloture. However, due to last minute changes, including the inclusion of the estimated revenue from the bond anticipation notes that the Mayor referred to and the related expenditures, we had to pull that ordinance and make some revisions. Therefore, the ordinance did not meet cloture. However, it was

distributed to you today. There is actually one change that I will bring to your attention when it has its first reading, which is not represented on the tape. For the record, there is one item that has changed and I will bring it to your attention when it has its first reading. I request that the final appropriation ordinance, T 159, be passed tonight with the emergency.

Likewise, I am requesting the following be passed with the emergency, T 151, which represents our temporary appropriations for the period of January 1 through March 31, 2005. We would like to have those passed by emergency so that they are in place by January 1, which is before the next meeting.

I would request that the allocation of the tax split, T 152, that would take effect January 1, 2005, also be passed tonight with the emergency.

I am requesting that T 154, which deals with our annual conversion, be passed tonight without the emergency.

I am requesting that T 153, which deals with the elimination of our ten percent tax credit, be referred back to the Finance Committee.

I further request, T 150, which deals with the issuance of 250,000 dollars of bond anticipation notes, be passed tonight with the emergency. As the Mayor explained during his report, he received a notice of our portion of the funds that are due on the route 83 overpass project and unfortunately, they are due by December 29. Accordingly, we have our outside broker standing by to issue bond anticipation notes and the proceeds to be received early next week to timely meet our deadline.

President Arndt: Mr. Costin, could you please clarify that last T number.

Auditor Costin: T 150 is what he has on his copy.

President Arndt: Any other requests, Mr. Costin?

Auditor Costin: That would complete my report as well as his requests.

Other Reports

Clerk of Council Norris: Council will please note:

Mayor's Court Operating Trust Fund/Bail Trust Fund Report for November 2004;

Service Department Report dated November 30, 2004;

Fire Department Report for November 2004;

Police Department Activity Report for November 2004; and

Water System Operation Report for November 2004.

Planning Commission Report of regular meeting for December 14, 2004.

APPLICANT: Suhail & Suhail, Inc., 8401 Chagrin Road, Suite 17, Chagrin Falls, Ohio
44023

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OWNER: Valore Properties & Rini Realty Co., 23550 Center Ridge Road, Westlake, OH 44145

REQUEST: Preliminary approval for a 29 lot single family and detached cluster development to be known as Shiloh Park Subdivision.

LOCATION: Northeast corner of Gina Drive and Debbie Drive on the south side of Rini Plaza and Providence Square
Permanent Parcel No. 07-00-016-112-031, 07-00-016-112-032 and part of parcel 07-00-016-112-027 in an R1 District

PC ACTION: APPROVED

moved by Jaenke, seconded by Arndt to approve Planning Commission action with regard to a preliminary approval for a 29 lot single family and detached cluster development to be known as Shiloh Park Subdivision

President Arndt: Is there any discussion?

Council Member Buescher: Mr. President, I attended the Planning Commission meeting and also the meeting tonight with the residents. I am not confident, at this point, that we should approve the recommendation by the Planning Commission for several reasons. First, the area in question has been the most devastated flooded area that we have in the City of North Ridgeville. I recall when the people were having sewage in their basements along with other serious problems over there. Finally, the EPA came into the City and mandated that the area be cleaned up. The City did clean that area. It is a flood plain and people continue to have problems on their property because the land is so flat. Second, there is only one entry way and, as a gentleman brought up at the Planning Commission meeting, we have discussed in the past the importance of having two exits and entrances into these developments for safety reasons. In fact, we required the two exits and entrances for the development on Sugar Ridge road. We have been careful with this requirement and it needs to be taken into consideration with this subdivision. There is also legislation that requires 25 acres for a development of this type and I believe that this is only 12 acres. We have to follow what our legislation states and this is not the case with this development. There is thirty percent clustering allowed within this development in exchange for twenty percent open space. That twenty percent will only be retention and detention areas, which is an automatic requirement by the builder. Mr. Valore was willing to postpone his application during the Planning Commission meeting, which I thought would have been a better avenue. Not that this application would never be carried out, but there is a number of items here that need to be taken into consideration. One more item is that there will be a road that will be placed within a cul-de-sac. I understand that when a developer buys property, he has the right to use the land the way he wants. However, there are concerns of those residents within the cul-de-sac that can be carried out by the developer if the city approves this project. I believe that it does need to go back to the Planning Commission and be reviewed with all these items taken into consideration. It shouldn't have been passed with all these concerns, particularly the flooding concerns.

Council Member Butkowski: Mr. Chairman, I was unable to attend the Planning Commission meeting but, I have been going over the report from Planning Commission to Council. My question is, why was this approved by the Planning Commission as 1282.05 requires copies of all covenants, restrictions and easements and according to Assistant Law Director Morgan, the

documents submitted were not specific to the development. That means that they have not met the requirements for a preliminary plan in that area. The Engineer's report states that the Robinson ditch is a major ditch and it's not on the plan. No sanitary sewers or water line information is listed. This is required by Codified Ordinance number 1224.01 (a) (3). The 30 foot wide storm sewer easement and pipe, no plan for replacement. This is a major ditch. Where is the water going to go? This area has flooded for years and it's in a flood zone. What is going to happen when this pipe is removed? We have solved many of our flooding problems, but can not change the course of a major ditch. That was the beginning of the problem in the Pitts Blvd. area and it is just going to reoccur. Why didn't the Engineer give the opinion that the requirements of the preliminary plan were not met and this applicant should be denied until they provide the necessary requirements. The Safety Service Director questioned the capacity of the Debbie Drive lift station. That is another whole problem with the sewage. We have to address these problems before we can approve a preliminary plan. There is no reason to continue with this plan if there isn't enough room for sewage to support these new homes. How many more red flags do we need? These are major concerns and must be addressed before we approve the preliminary plans. I will be voting against the development as it has been presented and hope you will too.

Council Member Olesen: I can't add too much more than what Mrs. Butkowski and Mrs. Buescher has stated. I lived on that street. I know about the flooding. I know that the developer, Mr. Valore can not exacerbate this problem. I think he is making attempts to satisfy the residents from the stand point of screening the development and adding a new retention basin. There is one point here, that I'm really unhappy with. Residents move to this community for a reason. We may have moved because we have young children and wish to live closer to schools. I did that. I lived on Pitts Blvd. for twenty some years. When the kids were grown, I moved to a cul-de-sac street within Mills Creek for peace and quiet. I would dread having that street opened to through traffic. I think from the standpoint of a resident who brought information to this meeting, where he thought his property value was going to be diminished because of him now being on a corner street rather than a cul-de-sac, that bothers me. To me, that is almost taking the rights of a home owner away and for that reason I will be voting against that tonight.

Council Member Buescher: Mr. President, I would just like to mention that we hired a City Planner and he has given us good advise. One of the important things that he has mentioned to us is that the preliminary plan is not being approved with all the requirements and it's very important that everything is in place with the preliminary plan, so that the developer can't be refused easily on the final plan. There are so many questions on this because of the location and I think it should just be postponed.

President Arndt: Any other comments?

Council Member Jaenke: Mr. President, I have a question for the Engineer. Larry, I thought that the sanitary sewer question was taken care of and that they were going to tie into the existing sanitary sewer.

Engineer Griffith: Yes, there is a trunk sewer going through the site and that is what they are going to use.

Council Member Jaenke: So, they are not going to use the lift station?

Engineer Griffith: That's correct.

Council Member Jaenke: One other question. There is currently a 48 inch pipe that is currently existing that has reverse flow and that the developer was willing to pull that out and correct that issue.

Engineer Griffith: Just this afternoon, the engineer for the developer and I went through our files to try and find if there were any records. Unfortunately, some of the records indicate that stream flows to the west and some of them indicate that it flows to the east. I am still trying to figure out which way it is suppose to go.

Council Member Butkowski: Mr. Chairman, that has been the question for many, many years. Every engineer we get in here keeps changing the flow of that water and the poor people in that area keep flooding. It is flat there. It doesn't flow either way and I believe that most of that water has been made to flow to the west and very little of it flows to the east. I think if you check with our former engineer, Stewart Lovece, when then did the last major construction over there to eliminate flooding, he would be able to tell you exactly which way it is flowing. I believe that most of it went to the west. Over the year's that has been switched back and forth so many times that it seems to be working now and whatever is in there now, leave it alone.

Council Member Jaenke: Mr. President, it is my understanding at the Planning Commission meeting, that the engineer who is working on the project has inspected this 48 inch sewer and it is his opinion that the flow should be reversed in order to solve part of the flooding problem. That was his opinion as the engineer who represents Valore.

President Arndt: Ladies and Gentlemen, the chair is going to call the question. We have a motion on the floor.

Council Member Olesen: Mr. President, I would like to make one more comment if I might, please. Mr. Valore had a meeting tonight with the residents. He had a list of homeowners located on Pitts Blvd. that he wanted to talk to for a possible new egress to this property. One of those homeowners was a man who showed me estimates of 30,000 dollars to raise his foundation of his driveway because of soft ground and his house is sinking. What I would like to see, if there is another way of doing this before I can be prepared to vote realistically on this issue.

President Arndt: Thank you, Mr. Olesen. We have a motion on the floor, seconded by Arndt to approve the action of the Planning Commission. Will the clerk please take a roll.

Yes, 2 No, 5 (Buescher, Olesen, Butkowski, Young, Arndt)

APPLICANT: Telemark Resources, Inc., 48 Locust Street, Oberlin, Ohio 44074
 representing Alltel Ohio, Inc., Engineering Department, Elyria, Ohio
OWNER: Sugar Chestnut LLC, 50 Public Square, Suite 1050, Cleveland, Ohio
 44113
REQUEST: Installation of telephone switching equipment to upgrade
 telecommunications service to a portion of Waterbury Subdivision 3
LOCATION: Terrell Court, Block "S" of Waterbury Subdivision 3
 Permanent Parcel No. 07-00-038-000-210
PC ACTION: APPROVED

 moved by Jaenke, seconded by Olesen to approve the Planning Commission action
 regarding the installation of telephone switching equipment.

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

APPLICANT: J&RR Investments, 36178 Center Ridge Road
OWNER: Same
REQUEST: Final plat approval for Island Point Subdivision
LOCATION: VL Island Road in an R1 District
 Permanent Parcel No. 07-00-013-000-209

PC ACTION: APPROVED

 moved by Jaenke, seconded by Olesen to approve Planning Commission action with
 regard to the request for final plat approval for Island Point Subdivision.

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

APPLICANT: FJD Properties, LLC, 37000 Center Ridge Road
OWNER: Same
REQUEST: Final plat approval for Subdivision 8 in Phase IV, Subdivision 8 in
 Meadow Lakes PCD
LOCATION: North of Center Ridge Road, South of Barres Road and West of Stoney
 Ridge Road within a PCD
 Permanent Parcel No. 07-00-032-000-324, 07-00-033-000-001,
 07-00-033-000-002, 07-00-033-000-031, 07-00-033-000-032,
 07-00-034-000-124, 07-00-040-000-007, 07-00-033-000-036

PC ACTION: APPROVED

 moved by Jaenke, seconded by Swindig to approve the Planning Commission action with
 regard to the final plat approval for subdivision 8 in Phase IV, Subdivision 8 in Meadow
 Lakes PCD.

President Arndt: Is there any discussion?

Council Member Buescher: Mr. President, I would like to ask the Engineer as he states under
his recommendations that the developer has duly agreed to post a performance bond. However,
on the back of the check list provided, it states that a certificate has not been signed and delivered
which would take care of this. Could you explain that please?

Engineer Griffith: He has agreed to post it. He has not posted it yet. By code, it does not have to
be posted until prior to signing of the plat. One of the last things that I have to do before I sign
the plat is to make sure that the developer posts the bond.

Council Member Buescher: If it hasn't been posted, we are being asked to approve this final,
without knowing if it will ever be posted. We have had three other developers where we have
held off because they did not post a bond.

Engineer Griffith: In that particular case, they stated that they were not going to post a bond. In
all the other cases, since I have been here, the bond has not been posted until after the
construction plans have been approved. Only then, can you determine what the final cost will be
in order to be able to post a bond. That is the way the procedure has been since I have been here.

President Arndt: Mr. Griffith, it is my under standing then that this really can't go forward
without your signature which will allow us to determine if this performance bond really indeed

has been satisfied. That is our check and balance on this?

Engineer Griffith: That is correct.

 moved by Butkowski to postpone until we can get the bond posted and then finish up with this, seconded by Young

President Arndt: Is there any discussion?

Council Member Olesen: Mr. President, I think Mr. Griffith's final approval is more than adequate in a situation like this.

Engineer Griffith: Is it my understanding that it is Council's desire that all subdivisions be treated this way, because they have not been in the past. Because of the amount of time that is involved when the plat goes to Planning Commission, since I have been here, at no time has there ever been a subdivision that had their final plans approved at that time. The process, as it is in this case, the plans are being reviewed. They have not yet been finalized and it is just impossible to determine what that bond amount will be.

Council Member Butkowski: Mr. Chairman, when it's approved, they can't go forward anyway. They can then find out the amount, get the bond and then come to the next meeting and approve this. We've discussed this before and the problem is that sometimes we haven't received a bond, and find out there is a problem with it. We have discussed this quite a few times before and we have held some up. I think that if it is in the Codified Ordinances that is the way it is suppose to be done, then we should be following that procedure.

President Arndt: The Chair calls the question. We have a motion on the floor to postpone the action of the Planning Commission. It has been moved by Mrs. Butkowski, seconded by Mr. Young. Will the Clerk please take a roll?

 Yes, 3 No, 4 (Swindig, Jaenke, Olesen, Arndt)

President Arndt: As such, we also have a motion on the floor by Mr. Jaenke and a second by Swindig to approve Planning Commission action.

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

**T 135-2004 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
ORDINANCE SECTION 1250.07, DENSITY.**

PC ACTION: APPROVED

 moved by Jaenke, seconded by Olesen to approve Planning Commission action regarding
T 135

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

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

**T 136-2004 AN ORDINANCE ESTABLISHING SENIOR CITIZEN PLANNED
RESIDENTIAL DEVELOPMENTS AS A CONDITIONAL USE IN R-1
ZONING DISTRICTS.**

PC ACTION: APPROVED

 moved by Jaenke, seconded by Swindig to approve the Planning Commission Action regarding T 136. Is there any discussion? Will the clerk please take roll.

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

COUNCIL COMMITTEE REPORTS:

President Arndt: The Chair asks if there are any council committee reports to be brought before council tonight. There being none, will the clerk please read the correspondence.

CORRESPONDENCE:

Clerk of Council Norris:

- 1) Received from the Lorain County Board of Elections, the Certificate of Result of Election on tax levy in excess of the ten mill limitation for the purpose of providing and maintaining motor vehicles, communications and other equipment used directly in the operation of the Police Department and paying salaries of permanent police personnel, including the payment of the police officer employers contribution required under Section 742.33 of the Revised Code. Total number of votes cast for the levy: 5,391; against the levy: 7,014.

moved by Young to suspend By-Laws to dispense reading of the correspondence and to post as notice, seconded by Buescher.

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

Yes, 7 No, 0

For the written record, the following is the remainder of the correspondence:

- 2) Received from the Lorain County Board of Elections the Certificate of Result of Election on Question or Issue on the proposed Charter amendment to Article III, Section 3.8 of the Charter providing as follows: When the Clerk of Council is absent temporarily from the Municipality or unable for any cause to perform his or her duties, the Assistant Clerk of Council shall act as Clerk of Council with the same rights, powers and duties of the Clerk of Council. Votes for: 8,713. Votes no: 2,974.
- 3) Received from the Lorain County Board of Elections the Certificate of Result of Election on Question or Issue on the proposed Charter amendment to Article III, Section 3.15 of the Charter providing as follows: Council may adopt standard ordinances and codes prepared by public or private agencies on such matters as fire prevention, building construction, electric wiring, plumbing, heating ventilating or air conditioning by reference to the date and source of the code without reproducing the same at length in the ordinance. In all such cases, publication of that code shall be kept in the office of the Clerk of Council for reference by interest parties.
Votes for: 6,177. Votes no: 4,644.
- 4) Received from the Lorain County Board of Elections the Certificate of Result of Election on Question or Issue on the proposed Charter amendment to Article IV, Section 4.2 of the Charter providing: When the Auditor is absent temporarily from the Municipality or unable for any cause to perform his or her duties, the Deputy Auditor shall act as Auditor with the same rights, powers and duties of the Auditor.
Votes for: 8,285. Votes no: 2,720.

- 5) Received from the Lorain County Board of Elections the Certificate of Result of Election on Question or Issue on the proposed Charter amendment to Article V, Section 5.2 of the Charter stating that when the Director of Law is absent temporarily from the Municipality or unable for any cause to perform his or her duties, the Assistant Director of Law shall act as Director of Law with the same rights, powers and duties of the Director.
Votes for: 7,820. Votes no: 3,198.
- 6) Received from the Lorain County Board of Elections the Certificate of Result of Election on Question or Issue on the proposed Charter amendment to Article XI, Section 11.6 of the Charter providing: Each net expenditure for any contract or purchase of supplies or material, other than the compensation of persons employed by the City, that exceeds the financial limitation imposed by the statutes of the State of Ohio, shall first be authorized and directed by ordinance of Council. Contract, purchase or lease shall be granted to the lowest bidder after advertisement for not less than two (2) consecutive weeks in a newspaper of general circulation within the City and dissemination to the public via one additional source of general public information or posting.
Votes for: 7,589. Votes no: 3,370.
- 7) Received from the Lorain County Board of Elections the Certificate of Result of Election on Question or Issue on a proposed amendment to Article XI, Section 11.7 of the Charter providing: The Council may authorize expenditures exceeding the financial limitations imposed by the statutes of the State of Ohio without public advertising in specific cases as listed; and in the event of an emergency or catastrophe, for the necessary work to eliminate and correct damages caused by said emergency or catastrophe.
Votes for: 3,794. Votes no: 6,779.
- 8) Received from the Lorain County Board of Elections the Certificate of Result of Election on Question or Issue on a proposed amendment to Article X, Section 10.3 of the Charter dividing the Civil Service of the Municipality into unclassified and classified service.
Votes for: 4,784. Votes no: 5,425.
- 9) Received a memo from Mayor Gillock explaining the importance of several resolutions and ordinances that will need to be passed with the emergency for our portion of the S.R. 83 Railroad Overpass Project.
- 10) Received from the Auditor of State, Betty Montgomery, the City of North Ridgeville, Lorain County, Single Audit for the year ended December 31, 2003.

NEW BUSINESS:

Request for new D5 liquor permit from Geppettos Pizza & Ribs, Inc., DBA Geppettos Johnny Malloys, 34263 Center Ridge Road

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

moved by Arndt, not to request a hearing as stated on the application so that this permit

can be sent to the state for final disposition, seconded by Olesen.
President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?
Yes, 7 No, 0

Received a petition from FJD Properties, LLC requesting to vacate a portion of Fairway Drive
President Arndt: The chair REFERS THIS TO BUILDINGS AND LANDS COMMITTEE AND PLANNING COMMISSION.

Received a petition from FJD Properties, LLC requesting to vacate a portion of West Breezeway Drive.
President Arndt: The chair also REFERS THIS TO BUILDINGS AND LANDS COMMITTEE AND PLANNING COMMISSION.

AUDIENCE PARTICIPATION (Lobby):

President Arndt: We've reached the audience participation portion of our meeting tonight. Any members of our audience, tonight, are invited to address your City Council. We request that you fill out the lobby form that you can find in the back of the room because it enables us to contact you personally should there be a need for follow up. You're now welcome and invited to approach the podium at this time. However, there are some caveats and that is that you limit your comments to three minutes and that you clearly state your name, and as well as your address. The podium is immediately to the right of Mrs. Buescher. The lobby is now open.

1) Mr. Blair Mumau of 6544 Debbie Drive thanked Council for their action regarding the Planning Commission action on the Shiloh Park Development. Explained the impact this development will have on him property. Stated his concerns with 29 houses on a flood plain, the water will collect around these houses. Asked for assistance to document the condition of his property so if there are issues when and if this development goes forward, he has documentation of how his property is in it's current condition as it would compare to any impacted condition as a result of this development.

2) Mrs. Jennifer Osborne Mumau of 6544 Debbie Drive explained that her house will be the new corner house on this street and explained that they bought into this neighborhood as a cul-de-sac. Stated her concerns about the flooding noting that she does not flood but both her neighbors flood Every spring they throw everything out. Noted conversations with Mr. Valore who seems to be very cooperative in trying to help. Stated that they don't have anything in writing that he is going to do anything until he gets approval and would like that to be a concern when it goes back to the Planning Commission.

3) Mrs. Shelly Sudik of 6492 Debbie Drive stated her concerns in regard to flooding and that they are not sure which way the drainage ditch is suppose to flow. Noted her concerns on only one access as it relates to the safety of cutting into a cul-de-sac street with all that traffic flowing into Pitts and Gina, which already has traffic problems, especially when the high school lets out and other issues with the morning traffic.

4) Mr. Anthony Nici of 6043 Creekside Lane stated that several of the residents have asked him to put some items of business on the record so that Council and City Officials are aware. Explained that in the back yards of their development, there has been a flooding problem and in the spring of this year, residents asked the city to look into this. The issues were addressed as of November of this year. Stated that they were told that there was drainage problems due to debris in the rear yards but the residents do not believe that debris was the result of this flooding. There is an easement that the city has back there. The resident's strongly oppose a swale due to problems that may arise with mosquitos, standing water and again debris. Stated that they believe a proper engineering study needs to be done to address this issue. We believe that the solution at this time is not to move forward on any project but to have the Service Department go out and mark trees that they think they want removed and in the removal of these trees, the expense should be bore with the city considering these trees were there prior to this development. We would just like to meet with the Engineer, the Service Department, Mayor and our Ward Council person.

President Arndt: Thank you Mr. Nici, before you sit down, our Safety Service Director would like to make a comment.

Safety Service Director Johnson: Yes, we got started on the wrong foot as there was a lot of miscommunication in the beginning. We are learning how to work with the Homeowner's Association, residents and the City all together. It's breaking new ground, so bare with us as we will get through this. The issue with the swale that was provided as an option, it is not something we're going to force on the residents and it's a topic that we will talk about. We have to try and find that line and try to get the drainage restored there, with as little disruption as possible; but we do need to be able to get our equipment in and out. We will work with the Homeowner's Association, residents, Service and Engineering Departments to get this taken care of. There was some mention of work to be done in January. That is not going to happen. We will work it out and get it done.

5) Mr. Bob Slovak of 7145 Case Road thanked City Council and the Administration for working together in harmony for the past year. I think Council members and the Administration have demonstrated being able to put aside political differences and joined together in a positive effort to move this city forward. Thank you and a Happy Holiday to everyone.

President Arndt: Is there anyone else that would like to address city council? As the Chair, speaking for myself, I really want to acknowledge all of you for coming here. I do understand that there was some trepidation and challenges in a most recent meeting and hopefully what you are able to witness is just as Mr. Slovak has indicated, a real interest in willingness for your Administration and your City Council to hear your concerns. Obviously, it made a difference and I want to thank you for approaching Council, speaking civilly, and with a great deal of respect and that needs to be acknowledged of you. As Chair, I want to thank you since I had no idea of what I was going to be up against here tonight. I really appreciate that.

RECESS: dispensed with.

moved by Arndt to suspend our By-Laws to replace our recess with an Executive Session so that we can speak on personnel issues, seconded by Young.

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

Yes, 7 No, 0

Council adjourned into Executive Session at 8:34 P.M.

Council resumed from Executive Session at 8:48 P.M.

President Arndt: The Chair calls our meeting back to order.

ORDINANCES AND RESOLUTIONS:

President Arndt: Dr. Norris, would you please read our ordinances and resolutions submittals.

• **Ordinances & Resolutions Submittals**

Clerk of Council Norris:

T 150-2004 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$250,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING AVON BELDEN ROAD (STATE ROUTE 83) BETWEEN CERTAIN TERMINI, IN COOPERATION WITH THE DIRECTOR OF TRANSPORTATION OF THE STATE OF OHIO, BY GRADING, DRAINING, PAVING, REALIGNMENT AND CONSTRUCTING A BRIDGE TO PROVIDE A RAILROAD GRADE SEPARATION CROSSING OVER NORFOLK AND SOUTHERN RAILROAD TRACKS, TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO.

moved by Butkowski, seconded by Buescher to suspend By-Laws to give T 150-2004 it's first reading,

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

Yes, 7 No, 0

T 158-2004 FINAL RESOLUTION ENACTED BY THE CITY OF NORTH RIDGEVILLE, OHIO, HEREINAFTER REFERRED TO AS THE LEGISLATIVE AUTHORITY/LOCAL PUBLIC AGENCY OR "LPA, IN THE MATTER OF THE STATED DESCRIBED PROJECT:

IMPROVEMENT OF STATE ROUTE 83 BY RELOCATING AND CONSTRUCTING A BRIDGE TO PROVIDE A RAILROAD GRADE SEPARATION CROSSING OVER NORFOLK AND SOUTHERN RAILROAD TRACKS.

moved by Butkowski, seconded by Olesen to suspend By-Laws to give T 158-2004 it's first reading

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

Yes, 7 No, 0

• **First Readings**

President Arndt: Dr. Norris, would you please read our first readings tonight beginning with T 145.

Clerk of Council Norris:

T 145-2004 AN ORDINANCE ENACTED BY THE CITY COUNCIL OF THE CITY OF
4083-2004 NORTH RIDGEVILLE, OF LORAIN COUNTY, OHIO, IN THE MATTER OF
THE STATED DESCRIBED PROJECT:

THE PROJECT IS TO IMPROVE US ROUTE 20, IN ACCORDANCE
WITH THE OHIO DEPARTMENT OF TRANSPORTATION URBAN
PAVING POLICY, FROM THE NORTH RIDGEVILLE WEST
CORPORATION LIMIT TO THE CUYAHOGA COUNTY LINE. THE
PROJECT WILL INCLUDE TRAFFIC CONTROL, AND
MISCELLANEOUS CONSTRUCTION ITEMS. THE PROJECT IS 5.90
MILES IN LENGTH, WITHIN THE CITY OF NORTH RIDGEVILLE.

First Reading

moved by Young, seconded by Swindig to suspend By-Laws to dispense with the
second and third readings

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

Yes, 7 No, 0

moved by Young, seconded by Butkowski to adopt

moved by Young, seconded by Swindig to add the emergency

President Arndt: Is there any discussion?

Auditor Costin: For the record, when we receive our billing notice for 316,000 dollars that the
Mayor spoke about in his report, it will be likely that we will need to issue an ordinance for the
issuance of bonds to fund this project. There will need to be subsequent financing at due time
next year.

President Arndt: Is there any other discussion? All those in favor of adding the emergency to T
145 signify by yes. All those opposed signify by no. Any abstentions?

Yes, 7 No, 0

President Arndt: We also have a motion on the floor to adopt T 145 tonight with the emergency.
Is there any discussion? There being none, all those in favor signify by yes. All those opposed
signify by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council: Motion approved with the permanent ordinance number being 4083-2004.
Permanent Ordinance No. 4083-2004

T 146-2004 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 DESIGN, FABRICATION,
EQUIPMENT, PROGRAMMING, TESTING, AND START-UP OF THE
COMPUTER (SCADA) SYSTEM FOR THE FRENCH CREEK

WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$100,000.00.

First Reading

T 147-2004 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 PURCHASE AND INSTALLATION OF AN OIL/WATER SEPARATOR AND ASSOCIATED EQUIPMENT FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$25,000.00.

First Reading

T 148-2004 AN ORDINANCE AMENDING NRCO SECTION 1042.05, LIMITATIONS ON WASTEWATER STRENGTH, TO REFLECT NEW OEPA STANDARDS.

First Reading

T 151-2004 AN ORDINANCE PROVIDING FOR THE TEMPORARY APPROPRIATIONS
4084-2004 OF MONEY FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2005 AND ENDING MARCH 31, 2005.

First Reading

moved by Young, seconded by Olesen to suspend By-Laws to dispense with the second and third readings

President Arndt: Is there any discussion?

moved by Young, seconded by Butkowski to adopt

moved by Young, seconded by Butkowski to add the emergency

President Arndt: Is there any discussion? The purpose for that emergency is?

Council Member Young: So that we have operating expenses for January through March of 2005.

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

President Arndt: In addition we have a motion on the floor by Mr. Young seconded by Mrs. Butkowski to adopt T 151 with the emergency. Is there any discussion? There being none, all those in favor signify by yes. All those opposed signify by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Motion approved becoming permanent ordinance number 4084-2004.
Permanent Ordinance Number 4084-2004

T 152-2004 AN ORDINANCE AMENDING SECTION 14(c) OF ORDINANCE NUMBER
4085-2004 2698-92 OF THE CITY OF NORTH RIDGEVILLE, OHIO, RELATING TO THE ALLOCATION OF INCOME TAX FUNDS.

First Reading

moved by Young, seconded by Butkowski to suspend By-Laws to dispense with

the second and third readings

President Arndt: Is there any discussion?

Council Member Young: Mr. President, this is the ordinance that I am reluctantly going to vote in favor of tonight as this is where we are taking from the Capital Improvement Fund, the 15 percent that is generally allocated and we're reducing that to five percent in order to put ten percent into the general fund. In the future, I'd like to see us wean our way off this type of practice as this is the third year in a row that we have done this. Next year, I'd like to see us get back to the 85/15.

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

Yes, 7 No, 0

moved by Swindig to adopt, seconded by Butkowski

moved by Swindig to add the emergency in order that the effective date begins January 1, seconded by Butkowski

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

Yes, 7 No, 0

President Arndt: In addition, we have a motion on the floor by Mr. Swindig and second by Mrs. Butkowski to adopt T 152 with the emergency. Is there any discussion? There being none, all those in favor signify by yes. All those opposed signify by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 152 is adopted with the emergency and becomes permanent ordinance number 4085-2004.

Permanent Ordinance No. 4085-2004

T 153-2004 AN ORDINANCE REPEALING NRCO SECTION 880.15 FROM THE CITY'S INCOME TAX CODE, ELIMINATING A TEN PERCENT OF ONE PERCENT INCOME TAX CREDIT, BEGINNING JANUARY 1, 2005.

First Reading

President Arndt: The chair REFERS T 153 TO FINANCE COMMITTEE

T 154-2004 AN ORDINANCE PROVIDING ADDITIONAL COMPENSATION FOR THE
4086-2004 AUDITOR FOR THE PURPOSE OF THE EFFECTUATION OF THE
ANNUAL CONVERSION OF THE CITY'S ANNUAL FINANCIAL
STATEMENTS AND OTHER RELATED SERVICES.

First Reading

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

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

Yes, 7 No, 0

moved by Arndt to adopt, seconded by Swindig

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

Yes, 7 No, 0

Clerk of Council Norris: T 154 is adopted and becomes permanent ordinance number 4086-2004.
Permanent Ordinance No. 4086-2004

T 155-2004 AN ORDINANCE AMENDING NRCO 3736-2001, APPROVING THE FINAL
PLAT OF PHASE III OF MEADOW LAKES PCD, TO REFLECT A
SUBSEQUENT AMENDMENT OF THE FINAL PLAT.

First Reading

T 156-2004 AN ORDINANCE ACCEPTING THE FINAL PLAT OF PIONEER RIDGE BY
DEL WEBB, PHASE I, (FORMERLY KNOWN AS WATERFALLS BY
WATERBURY) WITHIN WATERBURY PCD.

First Reading

T 157-2004 AN ORDINANCE APPROVING THE FINAL PLAT OF ASHTON PLACE,
ASHTON PLACE CONDOMINIUM, AND FOUR (4) ADDITIONAL
SUBLOTS IN WATERBURY FRONTING SEPARATELY ON TERRELL
DRIVE IN WATERBURY PCD FOR RECORDING PURPOSES ONLY.

First Reading

T 159-2004 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE 4000-2004,
4087-2004 4019-2004, AND 4061-2004 FOR THE CITY OF NORTH RIDGEVILLE OHIO
FOR THE PERIOD COMMENCING JANUARY 1, 2004 AND ENDING
DECEMBER 31, 2004.

First Reading

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

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

Yes, 7 No, 0

moved by Arndt to adopt, seconded by Olesen

moved by Arndt to add the emergency, seconded by Swindig

President Arndt: Is there any discussion?

Auditor Costin: For the record, what was recorded on the tape, failed to include a last minute
change. Under debt service funds, an inclusion of a thousand dollars appropriated for general
bond retirement age, the TIFF Lear Nagle Project, under the category of "Other". That has to do
with an invoice that came in a bit higher than anticipated relating to the issuance of BAN's and
the costs related thereto. There isn't a lot of volume in the correction of this ordinance and there
are some shuffling within funds. The big dollar amounts that you see here in the debt service
fund and enterprise fund have to do with the issuance of bands that we recently approved, which
will be issued in the month of December. This is why you will note the six million dollars and
two million dollars under debt service and sanitary sewers. The others are minor adjustments
within funds for the most part.

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

those opposed signify by saying no. Any abstentions?

Yes, 7 No, 0

President Arndt: In addition, we have a motion on the floor by Arndt and a second by Mr. Olesen to adopt T 159 with the emergency. Is there any discussion? There being none, all those in favor signify by yes. All those opposed signify by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 159 is adopted with the emergency and becomes permanent ordinance number 4087-2004.

Permanent Ordinance No. 4087-2004

T 150-02004 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF
4088-2004 \$250,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS,
FOR THE PURPOSE OF IMPROVING AVON BELDEN ROAD (STATE
ROUTE 83) BETWEEN CERTAIN TERMINI, IN COOPERATION WITH THE
DIRECTOR OF TRANSPORTATION OF THE STATE OF OHIO, BY
GRADING , DRAINING, PAVING, REALIGNMENT AND CONSTRUCTING
A BRIDGE TO PROVIDE A RAILROAD GRADE SEPARATION CROSSING
OVER NORFOLK AND SOUTHERN RAILROAD TRACKS, TOGETHER
WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL
THERE TO AND DECLARING AN EMERGENCY.

First Reading

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

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

Yes, 7 No, 0

moved by Young to adopt, seconded by Swindig

moved by Young to add the emergency to allow the funds to be available in order to beat the deadline, seconded by Swindig

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

Yes, 7 No, 0

President Arndt: In addition we have a motion on the floor by Young, a second by Swindig to adopt T 150 with the emergency. Is there any discussion. There being none, all those in favor signify by saying yes. All those opposed signify by saying no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 150 is adopted with emergency. It becomes permanent ordinance 4088-2004.

Permanent Ordinance No. 4088-2004

T 158-2004 A FINAL RESOLUTION ENACTED BY THE CITY OF NORTH
1024-2004 RIDGEVILLE OHIO, HEREINAFTER REFERRED TO AS THE
LEGISLATIVE AUTHORITY/LOCAL PUBLIC AGENCY OR "LPA", IN THE
MATTER OF THE STATED DESCRIBED PROJECT.

**IMPROVEMENT OF STATE ROUTE 83 BY RELOCATING AND
CONSTRUCTING A BRIDGE TO PROVIDE A RAILROAD GRADE
SEPARATION CROSSING OVER NORFOLK AND SOUTHERN
RAILROAD TRACKS.**

First Reading

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

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

Yes, 7 No, 0

moved by Swindig to adopt, seconded by Young

moved by Swindig to add the emergency in order for this project to be completed within the necessary time frame, seconded by Young

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

Yes, 7 No, 0

President Arndt: In addition we have a motion on the floor by Swindig, a second by Young to adopt T 158 with the emergency. Is there any discussion. There being none, all those in favor signify by saying yes. All those opposed signify by saying no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 158 is adopted with emergency. It becomes permanent Resolution 1024-2004.

Permanent Resolution No. 1024-2004

President Arndt: Will the Clerk please read our second readings.

• **Second Readings**

Clerk of Council Norris:

T 140-2004 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH KS ASSOCIATES, INC., A CONSULTING ENGINEERING FIRM, FOR PROVIDING ENGINEERING SERVICES FOR THE STRAIGHTENING OF LEAR NAGLE ROAD, NOT TO EXCEED \$63,000.00.

Second Reading

• **Third Readings**

Clerk of Council Norris:

T 135-2004 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
4089-2004 ORDINANCE SECTION 1250.07, DENSITY.

Third Reading

moved by Jaenke to adopt, seconded by Young

President Arndt: Is there any discussion? There being none, all those in favor signify by saying yes. All those opposed signify by saying no. Any abstentions? Will the Clerk please take roll.

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

Clerk of Council Norris: T 135 is adopted and becomes permanent ordinance 4089-2004.
Permanent Ordinance No. 4089-2004

T 136-2004 AN ORDINANCE ESTABLISHING SENIOR CITIZEN PLANNED
4090-2004 RESIDENTIAL DEVELOPMENTS AS A CONDITIONAL USE IN R-1
ZONING DISTRICTS.

Third Reading

moved by Olesen to adopt and seconded by Jaenke.

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

Yes, 6 No, 0 Abstain, (Butkowski)

Clerk of Council Norris: T 136 is adopted and becomes permanent ordinance 4090-2004.
Permanent Ordinance No. 4090-2004

T 137-2004 AN ORDINANCE AMENDING NRCO SECTIONS 1279.10 AND 1279.11
4091-2004 RELATING TO PLAN APPROVAL FOR PLANNED COMMUNITY
DEVELOPMENTS.

Third Reading

moved by Olesen to adopt and seconded by Jaenke.

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

Yes, 7 No, 0

Clerk of Council Norris: T 137 is adopted and becomes permanent ordinance 4091-2004.
Permanent Ordinance No. 4091-2004

T 138-2004 AN ORDINANCE AMENDING ORDINANCE NO. 3993-2004 RELATING TO
4092-2004 SPECIAL DEVELOPMENT DISTRICTS.

Third Reading

moved by Olesen to adopt and seconded by Jaenke.

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

Yes, 7 No, 0

Clerk of Council Norris: T 138 is adopted and becomes permanent ordinance 4092-2004.
Permanent Ordinance No. 4092-2004

OLD BUSINESS:

President Arndt: What old business needs to be brought before Council tonight, if any. Mr. Costin?

Auditor Costin: Just a reminder for Council to expect the revised income tax ordinance. We are working on final changes that will be presented to you in hopes of passage at the first meeting in January of 2005.

UPCOMING COMMITTEE MEETING ANNOUNCEMENTS:

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING DECEMBER 20, 2004**

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Clerk of Council Norris:

Next Regular Council Meeting Monday, January 3, 2005 at 7:30 P.M. in Council Chambers

Public Hearings Tuesday, January 18, 2005. The individual hearings will be held in the following order beginning at 7:15 P.M.:

- 1) Final Approval of Pioneer Ridge by Del Webb, Phase 1 (formerly known as Waterfalls by Waterbury) within Waterbury PCD
- 2) Final Approval of Ashton Place (39 lots); Ashton Place Condominium (49 lots), and 4 new Waterbury sublots, (Blocks N3, N4, N5 and N6) within Waterbury PCD

President Arndt: Are there any other announcements? Speaking on behalf of all of our Council and Administration, we wish everybody a happy and safe holiday. Hopefully, we conclude our first year with this new Council and Administration, on a very positive and upbeat note and we thank all of you for that.

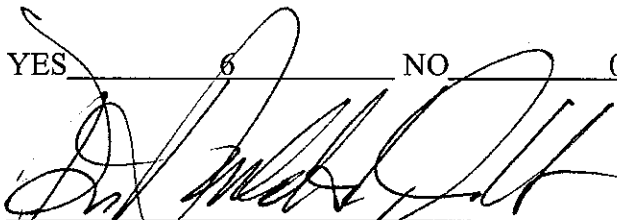
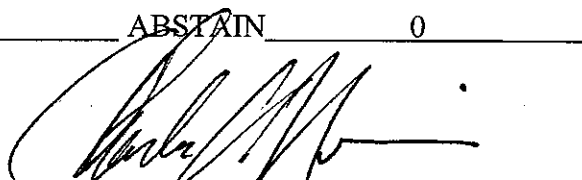
Swindig: I have one comment to say and that is you took the words right out of my mouth.

ADJOURNMENT:

motion to adjourn by Swindig

Meeting adjourned at 9:17 P.M.

MOTION _____ Olesen _____ 2ND _____ Butkowski _____ DATE _____ January 3, 2005 _____

YES	6	NO	0	ABSTAIN	0
					
PRESIDENT OF COUNCIL DR. RONALD F. ARNDT			CLERK OF COUNCIL CHARLES A. NORRIS		