NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING FEBRUARY 5, 2007

CALL TO ORDER: 7:30 P.M.

President Ronald Arndt: The Chair calls to order, the North Ridgeville City Council Regular meeting dated Monday, February 5, 2007. If you will all rise for our Invocation, followed by our Pledge.

INVOCATION: lead by President Arndt.

PLEDGE OF ALLEGIANCE: by all.

President Arndt: Dr. Norris 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, Auditor Chris Costin, and Clerk of Council Charles Norris.
Absent was Engineer Larry Griffith.

MINUTES - Corrections (if any) and Approval:

Council Minutes of regular meeting held November 20, 2007
Clerk of Council Norris: There is a typo in the first sentence as the Minutes should read 2006 rather than 2007.

moved by Arndt, seconded by Boose to amend the minutes of the regular meeting held November 20, 2006

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

Yes, 7 No, 0

moved by Arndt, seconded by Jaenke to amend the title of T 164 on page twelve of the Council Minutes of the regular meeting held November 20, 2006

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

Yes, 7 No, 0

Public Hearing Minutes of January 16, 2007 re: T 169-2006

moved by Butkowski, seconded by Olesen to approve the Public Hearing Minutes of January 16, 2007 regarding T 169

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

Yes, 7 No, 0

Clerk of Council Norris: Minutes are approved.

Council Minutes of regular meeting held January 16, 2007

moved by Jaenke, seconded by Butkowski to approve the Council Minutes of the regular meeting held January 16, 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:

Parks & Recreation Commission Minutes of regular meeting December 6, 2006;
Board of Drainage and Flood Control Minutes of regular meeting October 25, 2006;
Civil Service Commission Minutes of regular meeting January 16, 2007;
Board of Zoning and Building Appeals Minutes of regular meeting January 25, 2007 and
Tax Abatement Review Board Minutes of meeting held January 22, 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 provide City Council with an oral report. We would like to begin tonight with our Mayor, Mr. Gillock.

- **Mayor:**

Mayor Gillock: Thank you, Mr. President. Good evening Ladies and Gentlemen. On tonight's agenda, T 3 is funding for water line replacements on Deborah and Paula. T 6 is for repaving Lorain Road from the railroad overpass to Root Road. We do not want to suspend By-Laws to move those ahead this evening. However, when we do get to them, we would like a voice vote on approval to obtain BAN's to pay for these projects. We normally do this during appropriation process, but we can save money by getting a head start on the bidding and construction season. The water lines have already been bid and the bids came in 125,000 dollars below the Engineer's estimate. The Lorain Road project has an Ohio Public Works Commission Grant of 260,000 dollars and a 50,000 dollar interest free loan, which has already been approved. We would like to get this into the mill to be ready for when the monies are received July 1. If Council approves by voice vote, the Auditor will then have the necessary BAN's legislation ready for the next meeting and when we pass those ordinances, then we can bring these back and pass them to get them in place.

We would also like T 5 approved tonight. This has been bid and the low bidder was 13,000 dollars below the Engineer's estimate for construction and we would like to award this within the next thirty days. This is a 10,000 dollar increase in the overall funding of the project. Most of it has already been approved.

Lastly, purely as a public service announcement, I have received word that the schools will also be closed again tomorrow. If you haven't got the word on that yet, because of the frigid weather, all the schools in North Ridgeville will be closed tomorrow. That concludes my report. Thank you.

President Arndt: Mr. Mayor, a question on T 5. You are asking that this be approved tonight. Is that with or without the emergency?
Mayor Gillock: We would like that approved with the emergency.

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. Our Engineer is attending an out of town seminar today, so we will have to do without his usual entertaining and informative report.

We have received many complaints from residents lately concerning billing and customer service for cable television since Time Warner took over our cable franchise. Our current franchise agreement calls for certain service standards but does not address enforcement. T 9 on your agenda tonight will allow us to enforce our service standards and levy fines if necessary. I ask that Council pass this ordinance tonight or as soon as possible so we can get our residents the quality of service they expect and deserve.

Reading police reports is not one of the highlights of my day, but I would like to pass along one made me proud of our Police Department. Police were called to report an elderly man suffering from dementia had wondered out of the house in fifteen degree weather in a T-shirt and shorts. He could not be found. Four Officers responded immediately and tracked footprints in the snow to a driveway down the street. Fresh tire tracks indicated that a car had just left the premise. Officers woke the resident of that premise and verified that a car had been taken. The car's identification was broadcast to area Police Departments and was located in Twinsburg. Our Officers went to Twinsburg, returned the resident and the car safely home. The whole ordeal was just over two hours. I just felt the incident was worthy of public attention and praise. Thank you and that concludes my report.

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

- **Auditor:**

Auditor Costin: Thank you, Mr. Chairman. The only thing on the agenda tonight is the final December written report that Council should have already received and we request your passage tonight.

Auditor's Written Financial Report for December 2006, Final
moved by Butkowski, seconded by Boose to approve the Auditor's Written Financial Report for December 2006, the Final
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: Dr. Norris, if you will continue on with our other reports.

- **Other Reports:**

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

Police Department Support Car Report for December 2006
Service Department Report for 2006
Fire Department 2006 Yearly Report
Parks & Recreation Department 2006 Annual Report
Treasurer's Annual Report for 2006

Tax Abatement Review Board report of meeting held January 22, 2007 re: Peteza, LLC
moved by Boose, seconded by Jaenke to approve the Tax Abatement Review Board report of the meeting held January 22
President Arndt: Is there any discussion?
Council Member Boose: Mr. President, as Liaison to Council on this Committee, I wanted to give Council an update. We met and had some discussion on granting the abatement for Peteza, LLC, a building near the new development by the Turnpike on Lorain Road that will house the world headquarters of Pizza Pan Pizza and will also be home to a company whose business is the distribution of food items, which has been located in Cleveland for many years. Through that discussion, we were able to come to a consensus for a ten year abatement, which allows the City Schools to receive all of, in fact, additional monies they would have received if the abatement would not have been granted. The City Schools are made whole. They will not lose any tax revenues and the City will be able to earn taxes on the 50 plus employees with an average salary of 30,000 dollars per year that we would not be able to enjoy if this tax abatement would not have been accepted. So it is a good deal for the City. It is a good deal for the students and our school system and it is a very good deal for the two businesses that will be relocating to North Ridgeville and bringing in all of these good paying jobs.
Council Member Butkowski: Mr. Chairman, this abatement is 100 percent abatement for ten

years. When JBC went in, we gave them 75 percent for ten years and that is a hometown boy that opened that business. I feel a little bad that we are now just turning around and giving this company 100 percent. While I am glad they are coming here and I understand their reasons for this, it is just unfortunate that we couldn't be equal in the abatements that we are giving or some kind of the declining thing rather than the full 100 percent. JBC was the first company in there on Bliss Parkway. He only received 75 percent and now this one is getting 100 percent.
President Arndt: How about if I ask the Mayor to make a comment on that? If you would please.
Mayor Gillock: Yes, thank you, Mr. President. Actually, there is no comparison between these two. JBC received substantially more in the tax revenues as a result their application. JBC did receive a ten year, 75 percent on their real estate taxes. This is an enterprise zoned abatement that had to go through the State. Along with their abatement, JBC received job tax credits, which will total up to 186,000 dollars. They received a 166 direct loan from the State, which will provide them low interest loans up to one million dollars with an interest rate of one percent for the first year and three percent after that. They will receive 50 percent of their training costs reimbursed up to a total of 50,000 dollars and they were not required to make any contribution to the schools, which Peteza is donating 10,000 dollars per year to the schools. That is how the schools made whole. Actually, if there had been no tax abatement, the schools would have received 16,035 a year in the real estate taxes. Under this abatement, they received 16,750. They are actually coming out better this way. However, there is really no comparison between the two. One other thing that comes into play is that JBC was located in Elyria, so that was a intra county move, which the State does not like to make and these others are coming from Cuyahoga County. So, there really is a big difference between the two.
Council Member Jaenke: Mr. President, I would like to comment and I agree with the Mayor. I think that each individual request for tax abatements needs to stand on its own based on individual circumstances along with the number of employees and contributions to the school system. I think what the Mayor explained makes a lot of sense. Thank you.
Council Member Olesen: I think we should all remember that this was made possible by City Council about two years ago when we passed the legislation to create Special Development Districts, which was very important legislation for our City.
President Arndt: Thank you. Anyone else? We have a motion on the floor by Mr. Boose and a second by Mr. Jaenke to approve the Tax Abatement Review Board report of the meeting held January 22. Will the Clerk please take roll.
Yes, 7 No, 0
Clerk of Council Norris: Motion is approved by a vote of seven to zero.

Council Member Boose: Mr. President, just a note back on the Treasurer's annual report for 2006 that the Clerk read. It is my understanding that I only received a letter indicating that the report is still pending. I have not received an actual report yet. Is that correct?
Auditor Costin: Yes, that is correct. There are some issues he is trying to resolve so he can give you an accurate report.
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.

1) UTILITIES COMMITTEE REPORT #5644 dated January 12, 2007: Members of Council: We have considered the matter of T 162-2006 and recommend a modification to Section 1 as follows: No person, firm or corporation shall install or permit to be installed or replace any water-activated pump or sump pump as a primary pump or as a back-up to an electric sump pump nor shall any similar cross-connection device be installed or replaced which connects to the consumer water system through which contaminants or pollutants could back flow into the public water system and recommend that this request be approved and the attached T 162-2006 be adopted.
Signed: Chairperson Buescher and Members Butkowski and Olesen
moved by Buescher, seconded by Olesen to accept the Utilities Committee Report #5644
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: Report is approved.

President Arndt: If you will stand at ease for just a moment while I consult with our Law Director. Thank you, ladies and gentlemen. Dr. Norris?

Clerk of Council Norris: The second report is:

2) UTILITIES COMMITTEE REPORT #5643 dated January 24, 2007: Members of Council: We have considered the matter of supporting the "Renewal Source Energy Plan" created by French Creek Wastewater Treatment Plant and recommend that this request be approved.
Signed: Chairperson Buescher and Members Butkowski and Olesen
moved by Buescher, seconded by Butkowski to accept the Utilities Committee Report #5643
President Arndt: Is there any discussion?
Council Member Boose: Mr. President, I contacted the Assistant Clerk of Council's office and asked for a copy of the Renewal Source Energy Plan and was told that they didn't have one. I find it improper to support a plan that we have not seen. I don't have a copy of this. I asked for a copy of it and was told I couldn't get one and I don't feel it appropriate to pass or support a plan that I and maybe others have not seen.
President Arndt: I am going to refer this off to the Finance Committee, if that would help alleviate that concern.
Council Member Buescher: Mr. President, that is a good idea because we also want this to go to the Finance Committee.
President Arndt: Terrific. That was the reason why I asked to stand down, while I checked with the Law Director to make certain that I was following the right protocol. As soon as the vote is

taken whether to accept or not to accept this Committee report, the Chair will then refer this to the Finance Committee.
Council Member Buescher: Mr. President, we didn't want to take any action on that meeting and this was the closest thing we could do to let everyone know that we were out there looking at that plan.
President Arndt: Thank you. Again to restate, we have a motion to accept by Buescher, a second by Mrs. Butkowski to accept the Utilities Committee Report #5643. Will the Clerk please take roll.
Yes, 6 No, 1 (Boose)
Clerk of Council Norris: Motion is approved by a vote of six to one.
President Arndt: THE CHAIR REFERS THE UTILITIES COMMITTEE REPORT #5643 TO THE FINANCE COMMITTEE.

President Arndt: That concludes our Council Committee Reports and we now move to correspondence. Dr. Norris, we have four pieces.

CORRESPONDENCE:

Clerk of Council Norris: Four items of correspondence:

1) Received a letter from Stephen J. Gautheir, Director of the Government Finance Officers Association announcing that our comprehensive annual financial report for the year 2005 qualifies for a Certificate of Achievement for Excellence in Financing Reporting and a Certificate of Achievement plaque will be shipped to City Auditor Chris S. Costin, CPA, CGFM in about eight weeks.

2) Received a letter from Lorain County Prosecuting Attorney Dennis Will announcing a seminar to promote the shared vision for safe schools on February 6, 2007 at the Lorain County Community College Spitzer Conference Center.

3) Received a letter from Lorain County Engineer Ken Carney notifying the City of a OPWC change in the maximum term of loans from 20 years to 30 years at zero percent interest provided the useful life of the project is at least 30 years.

4) Received a letter from Safety-Service Director Denny Johnson submitting a draft copy of the proposed ordinance relating to our cable service and explaining the necessity of this ordinance to allow us to address the many complaints received on cable service.
President Arndt: For the benefit of our Council members, this will show up tonight under ordinances and resolutions T 9. The Chair is going to refer that to the Administrative Committee.
Council Member Olesen: Mr. President, can I ask a question? I was asked by a neighbor who was very upset with his new cable service, why we don't have a choice like other communities do. I understand that it is in legislation, but if someone could explain that so that the residents

can understand.
Safety-Service Director Johnson: We do have a choice. Every cable contract the City has signed has allowed for competition. However, reality is that a competitor is not going to come in and wire the City for cable service and only expect only half of the subscribers that you would get being the only cable service company. There are competitive choices. There are satellite systems and the phone companies are currently looking into a system that would allow some competition. It isn't like the gas company or electric company where there are no competitors. There are others out there. We just need to try and get the one we have to do what they say they are going to do.

President Arndt: That takes care of our correspondence and Dr. Norris if you will move into our new business please?

NEW BUSINESS:

Clerk of Council Norris: New Business before Council this evening includes:

Parks & Recreation Commission requests for approval of the following expenditures from the Parks and Recreation Improvement Fund:

1) $15,000.00 to install a water line and a drain line to service the splash pad at South Central park
moved by Butkowski, seconded by Boose to approve $15,000.00 to install a water line and a drain line to service the splash pad at South Central park
President Arndt: Is there any discussion?
Council Member Butkowski: Mr. Chairman, with the new splash pad coming in, this money will be used to install the water lines so that they can get this going and it has to be done pretty soon. It is taken out of the Park funding.
President Arndt: Any other discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?
Yes, 7 No, 0
Clerk of Council Norris: Motion is approved.

2) $5,000 to purchase an aeration system for the lakes at South Central Park moved by Butkowski, seconded by Boose to approve $5,000.00 to purchase an aeration system for the lakes at South Central Park
President Arndt: Is there any discussion?
Council Member Butkowski: Mr. Chairman, this aeration system is needed to keep the water so that it doesn't fill up with as much green algae and all the other stuff that gets in there. It also makes it easier for fish to live in there. This will improve South Central lakes a lot.
President Arndt: Thank you, Mrs. Butkowski. Any other discussion?
Council Member Olesen: Yes, Mr. President. I thought we already had an aeration system in the park already. Will this replace that or will the fountain continue to be used?

Council Member Butkowski: It replaces it. I think that the other one died.
Mayor Gillock: Yes, the aeration system that we have in there now, quit. We have none in there now. To replace that one with a similar unit is about 3,000 dollars. This unit instead of just having one location, I believe has three.
Council Member Boose: Six.
Mayor Gillock: Is it six? There are several locations. It will function a lot better and we think this will really improve the aeration over there. It does replace the other one that burned out.
President Arndt: There being no further discussion, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved.
President Arndt: We now come to our Lobby section of the evening.

AUDIENCE PARTICIPATION (Lobby):

President Arndt: Any member of our audience has the opportunity to address your City Council. We simply request 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 and contact you, personally, should there be a need to do so. You are now welcome and invited to approach the podium immediately to the right of Mrs. Buescher. When you do so, please clearly state your name and your address and limit your comments to three minutes. The lobby is now open.

1) Mr. Edward Baugh of 33100 Boulder Drive spoke regarding the ditch and the drainage problems he has had in the past and the problems that continue to occur. He noted an agreement he had in writing by the City. He explained that this agreement refers to drainage problems not only on his property, but the property owned by the City.

moved by Boose, second by Buescher to suspend our By-Laws to give Mr. Baugh an additional three minutes to complete his comments and statements

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

Yes, 7 No, 0

Mr. Baugh ended his comments by reading a letter from the Law Director and reading ordinance 1028 to Council.

President Arndt: Thank you, Mr. Baugh. Who else would like to address your 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: Dr. Norris if you would begin with our ordinance and resolution submittals.

ORDINANCES AND RESOLUTIONS:

T 3-2007 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 DEBORAH DRIVE AND PAULA BOULEVARD WATERLINE REPLACEMENT, NOT TO EXCEED $650,000.00.

Mayor Gillock: Mr. President, I would like Council's verbal approval for the Auditor to pursue BANs to fund this project.

moved by Olesen, seconded by Boose to provide the Auditor with a verbal approval to establish BANs for this project

Mayor Gillock: By way of explanation, normally we do this during the appropriation process. When we look at different projects, the question is do we want to do this one. If this is one that we decided we would want to do and borrow the funds for, we would then ask the Auditor to prepare the Bond Anticipation Notes and legislation to move this forward. We are just moving this ahead of the appropriation process in order to save some money. If Council is in agreement to doing this project, then he can go ahead and prepare this legislation.
Auditor Costin: I think what the Mayor means to say is that the Auditor will contact the outside Bond Councils. They will prepare the legislation and I will then bring it to the floor.
Council Member Buescher: Mr. President, I would like to ask Mr. Costin if he feels that it is okay to go ahead with this before appropriations?
Auditor Costin: It is going to be up to Council to prioritize our dollars. There are two items that the Mayor was referring to as T 3 and T 6, which I have no problem with. The reason that was explained to me was that they want to replace the water lines in that area, which is predominantly the area where we have most of our water breaks. At some point in time, it will need to be replaced. That is what I was told by the Administration. T 6 will be for the City's portion of leveraged public works money for the phase two Lorain Road extension between Bagley Road and Root Road. If Council chooses to do those two projects, we can't pass this legislation, according to Charter, until I have monies available and the only way we could do this is by the issuance of Bond Anticipation Notes. I don't have any problem with the projects, quite frankly, because most of the money is going to come from BANs. If they are otherwise good projects; that is how we would finance them. I have always said that any time we have leverage money, particularly in the case of T 6; then let's do it. Those are good expenditures.
President Arndt: Thank you, Mr. Costin.
Council Member Boose: It is my recollection that the work being done by T 3 was prioritized through appropriations last year and as far as T 6, that is being partially funded by the Ohio Works Grant. So, you do want to take advantage of those monies and I am full support of both of them.
Mayor Gillock: Mr. President, Mr. Boose is exactly correct. T 3 is part of our ongoing maintenance. We prioritize our water lines and try to get those replaced when we can. We are a

little bit behind and this is on the top priority as far as water lines go. A little further explanation on T 6 is that every year we put in application to the Ohio Public Water Commission for the projects that we would like to do. This year we put in what is known as phase two of the Lorain Road project. The total extent of what we are going to do there is going to range from repaving to doing curbs and gutters. We are going to address that. We put the application in with the total project as submitted was 672,000 dollars. Ohio Public Works Commission is funding 310,000 dollars of that. 260,000 dollars of that money is a grant and 50,000 of it is an interest free loan. We do this every year and that is this year's project.
President Arndt: We appreciate that Mr. Mayor. Is there any other discussion?
Council Member Butkowski: Mr. President, this Deborah and Paula Drive have been having a lot of water line breaks down there for years and it just costing the City more and more and the inconvenience to the residents is getting really bad. It is time we get this project done. We have been talking about it long enough.
President Arndt: Thank you, Mrs. Butkowski. Any other discussion?
Council Member Jaenke: Mr. President, in regard to Lorain Road, that is a heavily-traveled route going east and west to I 480 and the Turnpike. The present condition of that stretch of highway is in poor condition. So, it definitely needs to be taken care of this year. I would definitely support that as well.
Council Member Olesen: Mr. President, do we have to pass these tonight, or do we let it take its natural progression through the system.
President Arndt: The Mayor has asked us not to rush the legislation through, so we will simply read T 3 as we have. However, we do have a motion on the floor by Mr. Olesen and a second by Mr. Boose for the verbal approval to have the Auditor to take the necessary steps to move forward on the BANs. If there is no further discussion, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

T 4-2007 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 PURCHASE AND INSTALLATION OF AQUATIC PLAYGROUND EQUIPMENT (SPLASHPAD) FOR SOUTH CENTRAL PARK, NOT TO EXCEED $160,000.00.

moved by Gillock, seconded by Olesen to suspend the By-Laws tonight to give T 4 its first reading

President Arndt: Is there any discussion?
Mayor Gillock: Mr. President, this project has already been funded and appropriated. We would like this to pass this evening with the emergency. All this is doing is giving us the authority to start the bidding process to complete it this year.
President Arndt: Any other discussion?
Council Member Boose: Mr. President, could Mr. Costin remind us as to where the funds are coming from? As I recall correctly, the funding for this project is split.
Auditor Costin: Right. Last October, we borrowed money for several projects in tandem.

100,000 dollars was earmarked for this and 60,000 dollars was to come out of the Park and Rec Improvement Fund. That would make up this 160,000. There were three or four projects that we issued BANs for simultaneously in the amount of 600,000 dollars. These projects were the telephone building acquisition, the gas station and Chesterfield Bridge.
President Arndt: We had a motion on the floor by Mayor Gillock and a second by Mr. Olesen to suspend the By-Laws tonight to give T 4 its first reading. Is there any other discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

T 5-2007 AN ORDINANCE AMENDING ORDINANCE NO. 4271-2006 REGARDING RECONSTRUCTION OF THE CHESTERFIELD DRIVE BRIDGE OVER FRENCH CREEK BY INCREASING THE AMOUNT FROM $205,000.00 TO $215,000.00.

moved by Boose, seconded by Buescher to suspend the By-Laws tonight to give T 5 its first reading

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

Yes, 7 No, 0

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.

moved by Olesen, seconded by Buescher to provide the Auditor with a verbal approval to establish BANs for this project

President Arndt: Is there any discussion?
Mayor Gillock: Mr. President, there is a typographical error in that ordinance. In the second paragraph it says, whereas the City of North Ridgeville has applied for and received a grant in the amount of up to 206,000 dollars. It should read 260,000 dollars just as it is stated down in section three.
President Arndt: Dully noted Mr. Mayor. Any other discussion? All those in favor signify by yes. All those opposed by no. Any abstention?

Yes, 7 No, 0

President Arndt: A question for the Mayor. What is your insight on the coordination between this project and the potential light at Bagley and Lorain Road?
Mayor Gillock: The Auditor and I were just conferring that we need to coordinate those two projects.
President Arndt: Thank you.

T 7-2007 AN ORDINANCE OUTLINING GENERAL REQUIREMENTS REGARDING LIENS AND APPLICABLE TO ALL LIEN PROCEDURES CONTAINED IN THE CODIFIED ORDINANCES.

President Arndt: THE CHAIR REFERS T 7 TO THE ADMINISTRATIVE COMMITTEE.

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

President Arndt: THE CHAIR REFERS T 8 TO THE STREETS, SIDEWALKS AND BRIDGES COMMITTEE.

T 9-2007 AN ORDINANCE OF THE CITY OF NORTH RIDGEVILLE, OHIO ADOPTING AND ENACTING CABLE TELEVISION CUSTOMER SERVICE STANDARDS OF THE CITY OF NORTH RIDGEVILLE AND REPEALING EXISTING "EXHIBIT A" OF ORDINANCE 3014-94.

President Arndt: THE CHAIR REFERS T 9 TO THE ADMINISTRATIVE COMMITTEE.

President Arndt: That concludes our ordinance and resolution submittals. I believe we now have two first readings.

- **First Readings**

T 4-2007
4360-2007 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 PURCHASE AND INSTALLATION OF AQUATIC PLAYGROUND EQUIPMENT (SPLASHPAD) FOR SOUTH CENTRAL PARK, NOT TO EXCEED $160,000.00.

First Reading

moved by Olesen, second by Jaenke to dispense with the second and third readings tonight on T 4

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

Yes, 7 No, 0

moved by Buescher, seconded by Boose to adopt

moved by Buescher, seconded by Boose to add the emergency to T 4 to get this Splash pad installed for use this summer

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 Mrs. Buescher and a second by Mr. Boose to adopt tonight T 4 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 4 is adopted with the emergency and becomes permanent ordinance 4360-2007.

Permanent Ordinance No. 4360-2007

T 5-2007
4361-2007
AN ORDINANCE AMENDING ORDINANCE NO. 4271-2006 REGARDING RECONSTRUCTION OF THE CHESTERFIELD DRIVE BRIDGE OVER FRENCH CREEK BY INCREASING THE AMOUNT FROM $205,000.00 TO $215,000.00.

First Reading

moved by Boose, second by Buescher to dispense with the second and third readings tonight on T 5

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

moved by Boose, seconded by Butkowski to add the emergency in order to meet the deadlines in getting this bridge reconstructed

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: In addition, we have a motion on the floor by Mr. Boose and a second by Mrs. Butkowski to adopt tonight T 5 with the emergency. Is there any discussion?

Council Member Butkowski: Mr. Chairman, this bridge has been in horrible condition for a long time. It is wonderful that we can finally get this thing done because it has been asked for by the residents for quite a while.

President Arndt: Thank you. Mr. Costin?

Auditor Costin: Yes, thank you, Mr. Chairman. For the record, the BANs we issued last year in October related to this project were for the amount of 100,000 dollars. It will be necessary for us to charge the remaining balance of 115,000 dollars to Capital Projects this year. It will proceed this year in appropriations from Capital Projects.

President Arndt: Any other discussion?

Council Member Boose: Yes, Mr. President. I am very much in favor for this. This bridge project was also prioritized last year during last year appropriations. It was decided last year by Council that this had a high priority and I would hope that Council will act accordingly this time.

President Arndt: Any other discussion?

Mayor Gillock: Mr. President, just for the resident's peace of mind. The structure of this bridge is not unsafe. It is okay, but the capacity needs changed, the abutments are in bad shape and it does need a lot of work. However, it is not like it isn't safe to drive across that bridge and I just wanted to make that clear.

President Arndt: Thank you, Mr. Mayor. Anyone else? Just as a reminder, we have a motion on the floor by Mr. Boose, a second by Mrs. Butkowski to adopt tonight T 5 with the emergency. All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 5 is adopted with the emergency and becomes permanent ordinance 4361-2007.

Permanent Ordinance No. 4361-2007

President Arndt: That concludes all of our first readings. We now move to our singular second reading. Dr. Norris?

- **Second Readings**

Clerk of Council Norris:

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

President Arndt: That concludes our second readings. We move now to our third readings.

- **Third Readings**

T 153-2006
4362-2007 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO KNOWN AS THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING LAND: 32991 BUTTERNUT RIDGE ROAD, PERMANENT PARCEL NUMBER 07-00-003-102-050 (AS SHOWN BY LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE DISTRICT TO B-4 COMMERCIAL PARKWAY DISTRICT AND OWNED BY MOULD DEVELOPMENT, LLC.
Third Reading
moved by Olesen, seconded by Jaenke to adopt tonight 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

Clerk of Council Norris: T 153 is adopted and becomes permanent ordinance 4362-2007.

Permanent Ordinance 4362-2007

T 172-2006
4363-2007 AN ORDINANCE ACCEPTING 1500 SQUARE FEET OF PERMANENT PARCEL NO. 07-00-014-103-029 ON THE NORTHWEST CORNER OF LORAIN ROAD AND DEDICATING IT FOR PUBLIC PURPOSES.
Third Reading
moved by Boose, seconded by Buescher to adopt tonight T 172

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 172 is adopted and becomes permanent ordinance 4363-2007.

Permanent Ordinance 4363-2007

T 176-2006 4364-2007 AN ORDINANCE REACCEPTING PERMANENT PARCEL NO. 07-00-035-103-025 AND APPROVING THE NAME OF LINE DRIVE FOR COUNTY RECORDATION PURPOSES.

Third Reading

moved by Boose, seconded by Buescher to adopt tonight T 176

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 176 is adopted and becomes permanent ordinance 4364-2007.

Permanent Ordinance 4364-2007

President Arndt: That concludes our third readings, which brings us to old business.

OLD BUSINESS:

Clerk of Council Norris: Under Old Business, we have a Planning Commission report.

APPLICANT:	FJD Properties, LLC, 37000 Center Ridge Road
OWNER:	Frank J. Dettore, 37000 Center Ridge Road
REQUEST:	Preliminary approval for a Cluster Subdivision to be known as Boulder Pointe Subdivision
LOCATION:	North of Cary Drive in an R-1 District Permanent Parcel Nos. 07-00-005-103-066, 07-00-008-115-008, -017, -029, -030
PC ACTION:	Approved by a vote of four to zero

moved by Jaenke, seconded by Manning to approve the Planning Commission action for the preliminary approval for a Cluster Subdivision to be known as Boulder Pointe Subdivision

President Arndt: Is there any discussion?

Council Member Olesen: Yes, Mr. President. I believe that Mr. Fursdon made an offer to any residents who may be concerned about this project to meet with him and discuss the preliminary approval application, which has sixteen points on it. Several members of Council did do this and this did qualify for an approved preliminary project because it met all sixteen points of criteria under the preliminary approval check list that was developed several years ago. I just wanted to point that out.

President Arndt: Thank you, Mr. Olesen, is there any other discussion?

Council Member Buescher: Mr. President, I have spoken with the City Engineer who has assured me that everything will be in order before he gives final approval. As Mr. Olesen stated, everything in the preliminary plan has been provided according to what we require. I believe we should go forward.

President Arndt: Thank you. Anyone else?
Council Member Boose: Mr. President, Although at the time this went to Planning Commission, it did meet all the requirements. One of requirements, 1280.03 (a) (1) says that the dimensions and location of all proposed buildings, driveways, off street parking areas, topography, abutting streets, highways and other features within 200 feet of the property lines of the parcel are required to be on the map. Since the intent of this ordinance 1280.01 says that it is to make reasonable provisions through which natural elements of landscape and population density districts may be maintained. Once the wetlands were discovered, which was two and a quarter acres, the developer has admitted that he has had to change the layout that was originally proposed to Planning Commission of the streets and potentially the detention basins. Since, those streets and detention basins will not be in the locations as indicated on the maps, it is my opinion and interpretation of 1280, that we do not have a good map and for that reason, I will not be voting for this ordinance. Thank you.
President Arndt: Thank you, Mr. Boose. Anyone else?
Council Member Butkowski: Mr. Chairman, I feel the same way. When we are talking about wet lands, we have to be very careful about drainage and about how that will affect the surrounding people. If a complete wetland study has not been done and new plans have to be drawn up then, how can we approve something that isn't correct at this point. At this point, we don't have the plans. He has only stated that he is going to redraw them. He doesn't have a preliminary plan anymore if it has been changed. I don't know how we can approve something he doesn't have.
President Arndt: Thank you, Mrs. Butkowski. Anyone else?
Council Member Olesen: Mr. President, just one comment. The technicality here is that it is not a wetlands until it has been declared a wetlands. That is the report he is waiting for now, but in lieu of that report, he has volunteered to cut down the number of houses in this development and not even use that land that is very wet right now.
President Arndt: Thank you, Mr. Olesen. For the benefit of all the members on Council, we have a motion on the floor by Mr. Jaenke and a second by Mrs. Manning to approve the Planning Commission action for the preliminary approval for a Cluster Subdivision to be known as Boulder Pointe Subdivision. Will the Clerk please take roll?
Yes, 5 No, 2 (Boose, Butkowski)
Clerk of Council Norris: Motion is approved by a vote of five to two.

President Arndt: That concludes all of our old business. Dr. Norris, if you will read our upcoming meeting announcements.

UPCOMING MEETING ANNOUNCEMENTS:

Clerk of Council Norris: Upcoming meeting announcements include:

Next Regular Council Meeting Tuesday, February 20, 2007 at 7:30 P.M. in Council Chambers.

President Arndt: Just before we adjourn; seeing that next week is Valentines. From all of us on City Council, we pass just a love message to all of you. Happy Valentines Day.

ADJOURN:

moved by Butkowski to adjourn

Meeting adjourned at 8:35 P.M.

MOTION Olesen 2ND Butkowski DATE February 20, 2007

YES 7 NO 0 ABSTAIN 0

PRESIDENT OF COUNCIL DR. RONALD F. ARNDT

CLERK OF COUNCIL CHARLES A. NORRIS