

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JANUARY 16, 2007**

CALL TO ORDER: 7:30 P.M.

President Ronald Arndt: The Chair calls to order, the North Ridgeville City Council Regular meeting dated Tuesday, January 16, 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, Engineer Griffith, Auditor Chris Costin, and Clerk of Council Charles Norris.

MINUTES - Corrections (if any) and Approval:

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

Council Minutes of regular meeting held January 2, 2007

moved by Jaenke, seconded by Butkowski to approve the Council minutes of the regular meeting held January 2, 2007

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

Clerk of Council Norris: Minutes are approved. Council will also note, before them are the:

Board of Zoning and Building Appeals Minutes of regular meeting December 28, 2006 and Planning Commission Minutes of regular meeting January 9, 2007.

MAYOR AND DIRECTORS REPORTS:

President Arndt: We now come to the Mayor and Directors report. 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: Good evening everyone and thank you, Mr. President. I would like to advise residents in the Noll, Behm, and Aurensen area that we have hired Triple A Pipe Cleaning to clean the sanitary lines in that area. They will be putting notices on resident's doors informing them of when they will be working in the area and how to prepare. This will include making sure that the traps have water in them, putting towels over the stools and making sure the lids are closed. Sometimes, during the cleaning, it can cause splash back-up in the stools and these preparations will help avoid getting water on your bathroom floor.

Last Monday, there was a Building and Lands Committee Meeting that was held here in Council Chambers. I want to apologize to any residents that were inadvertently locked out of that meeting. After most of the residents and press were in attendance; the room was full, the door apparently slammed and the lock was released unbeknownst to the rest of us. When those locked out contacted the Police Department, the Police called Council Chambers and the Chairman of the Committee, but no one answered either call. The Police have since been advised to contact either the Safety Service Director or myself should a similar situation occur. Rarely, there is a meeting that is held where one of us is not in attendance. Unfortunately, sometimes, things like this happen and we certainly did not want to exclude anyone. We did have Youngs Locksmith come out and take a look at the door to make sure it wasn't a mechanical problem.

As most of you know, our Animal Warden had an accident last week and totaled his vehicle. It was an older vehicle that had 115,000 miles on it, but it was in good shape. We need to replace this vehicle as soon as possible. You have before you a list price on a replacement vehicle from Valley Ford for 22,075 dollars, which is under the cost for a similar vehicle on the State Co-op list. I have discussed this with the Auditor.

 moved by Mayor Gillock, seconded by Buescher to approve the auditor to purchase this truck for 22,075 dollars from the Contingency Fund

President Arndt: Is there any discussion?

Council Member Butkowski: Mr. Chairman. On this paper that we were given, it states the vehicle is a 2008. Is this really 2008 or is it 2007?

Mayor Gillock: 2008. That is the information that he sent over and it is assumed that it is a 2008 model. However, it could be a typo, but that will be checked.

President Arndt: Is there any other discussion?

Auditor Costin: Just as a matter of explanation. When we do our temporary appropriations, we do estimates and our permanent appropriations are completed in March. Obviously, we didn't realize that we would have a capital expenditure of this nature. We do put contingent line items in the General Fund under Capital Projects. We need to have expenditures appropriated before we can pass them. This would be Council's approval to allow the Auditor to move money from the contingency line item to the appropriate line item, when we adjust our appropriation ordinance.

President Arndt: Thank you, Mr. Costin. Mr. Mayor, is it fair to presume that there is some insurance reimbursement on this?

Mayor Gillock: The Insurance Adjuster was out today. I don't have a report yet. I assume there will be some, but the truck was at least five years old and there was believed to be 115,000 miles on it. It was in good shape, but we won't get a whole lot for it.

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

Yes, 7

No, 0

Mayor Gillock: Thank you. This afternoon, our local newspapers received a publicity release from Fairview Hospital and Cleveland Clinic announcing their plans to construct a 20,000 square foot office building on Lorain Road next to the I-480 exit ramp. This is exciting news for North Ridgeville and we look forward to the ground breaking this Spring. I have given each of you a copy of the press release and the artist's rendering of the building. It is a very attractive building. That press release did go to the newspapers as they have already called me. It will be in the news in the morning. That concludes my report.

President Arndt: Thank you, Mr. Mayor. We now have the opportunity to hear from our Safety-Service Director, Mr. Johnson.

• **Safety-Service Director:**

Safety-Service Director Johnson: Thank you, I have no report for you tonight, Mr. President. I will report during the next meeting.

President Arndt: Thank you, Mr. Johnson. We probably will have that time made up by our Engineer, with his report. Mr. Griffith?

• **Engineer:**

Engineer Griffith: Did you receive the latest electronics doodad during the holidays? What did or will you do with the old stuff it replaces? In 2006, the Lorain County Solid Waste Management District sponsored a total of three collection days to collect computers, cell phones, televisions and other electronic equipment, commonly called e-scrap. As a result, 255,278 pounds of e-scrap was collected from 1,307 residents. Were you one of these residents? More than 90 percent of the collected materials were capable of recycling and reuse. The weight of these items in 2006 brought the total, for the first five years of this program, to just over one million pounds. Most of the working electronics were donated to community groups, local schools and nonprofit organizations. This not only extended the life of these products; they also filled a need. Start the new year by making an effort to donate and recycle your old electronics. The Lorain County Solid Waste Management District is currently in the process of scheduling 2007 dates and hopes to have them by January 31, with the first collection dates probably being in May. Please watch for those dates. Thank you Mr. President. That concludes my report this evening.

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

- **Auditor:**

Auditor Costin: Thank you, Mr. Chairman. The only thing I have for you this evening is the preliminary written report for December. That is preliminary. It will change and therefore historically, Council has not passed the preliminary report. I will tell you that as of 6:06 P.M. this evening, the Engineer and I worked on a project together. At which time, he still was not finished with his report for this evening and I want to commend him for a job well done. No other comments at this time.

President Arndt: He is a cornucopia of information. Thank you. Dr. Norris, if you will move onto our other reports please.

- **Other Reports:**

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

Law Director's Annual Report for 2006;
Building Department Reports for November and December 2006; and
Water System Operation report for December 2006.

Planning Commission Report to Council of regular meeting January 9, 2007:

APPLICANT: Valore Properties, Inc., 23550 Center Ridge Road, Westlake, Ohio 44145
OWNER: Same
REQUEST: Preliminary plan approval for Hampton Place consisting of 224 single family detached and cluster lots
LOCATION: Vacant Lots on Avon Belden Road in an R-1 District
 Permanent Parcel Nos. 07-00-029-000-003, -004, -005, -006, -068, -074, -075, -076 and -081
PC ACTION: Approved by a vote of five to zero
 moved by Jaenke, seconded by Manning to approve the Planning Commission action for the preliminary plan for Hampton Place

President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, just a tidbit of information. The entrance to this development will be off of Route 83. Mr. Valore did agree that he would work with the City in terms of extending the sanitary all the way north, which will open up areas that are currently undeveloped off of Route 83. He is willing to work with the City to put in a larger sanitary in order to accommodate the open space or the additional property that would be to the north.

Council Member Olesen: Mr. President, just one question, perhaps for the Mayor. In this report, Mr. Valore has no objection to paying one fifth of the cost for a light at Stoney Ridge Road and

apparently there are four other developers who have been asked to commit. Do we have an update on the other developer's response to this as far as everyone paying their share to get a light there?

Mayor Gillock: I don't recall him saying he would pay one fifth for the light. We haven't really discussed this light at Stoney Ridge, other than with the veterinary clinic that is going in there. They are giving us some land where we can add a turning lane. We really haven't talked to anyone about a light.

Council Member Buescher: Mr. President. Mr. Valore did in fact say that he would contribute a share for that light if all the other developers were also committing to do the same.

President Arndt: Any other questions or discussions?

Council Member Butkowski: Mr. Chairman, the Engineer is requiring this developer to provide a sanitary stub in the north section of the development. When I asked why not the south connection, I was told that they are supposed to connect from Route 83. Why is one property owner provided a sanitary sewer connection and not the other?

Engineer Griffith: They are both being provided. The sewer connection will be the same distance from both of them.

Council Member Butkowski: No, I think you don't understand. There was supposed to be a sanitary stub put in for the north part, which was about half way in between, from sub lots 109 and 110, but there is nothing provided at the south end of the development. I couldn't understand why on one side and not the other, because there is empty land on both sides.

Engineer Griffith: When the consultant did his study to develop the master plan, this was the only way that, that area could be served, which is the one where the stub is being extended. It could not be served in any other manner because of the topography.

Council Member Butkowski: It is just going to be a bigger expense for the south end to get their sewers in than the north end because they won't have to run all the way out to Route 83.

Engineer Griffith: They also front on Avon Belden. Whereas, this area does not.

Council Member Butkowski: The people on the south end front onto Route 83?

Engineer Griffith: Yes

Council Member Butkowski: All right. I just wanted to find out because it just didn't look right. Thank you.

Council Member Boose: Mr. President, there was some discussion during the meeting from Mr. Valore seeking credits as homes are built from tap-in fees and such to help fund the million dollar cost for the sewer to tie into West Minister. Is that part of this approval?

Mayor Gillock: No, this is just the preliminary plan. How he finances it or pays for it will have to be worked out. He will not get credits especially when we don't have an ordinance that will allow it. We will be speaking with Squires, Sanders and Dempsey in regards to what he might have to pay; whether he would have to pay our sanitary interceptor fee or not. We know he wouldn't have to pay the lateral. Our ordinance says that if the developer installs the laterals, he can be exempted from that. It doesn't say that for the main interceptor. Yet, if he is going to pay for the main interceptor, we can't turn around and charge him for it. This is just a preliminary plan and that part of the discussion is not part of the preliminary plan approval process.

Council Member Boose: Thank you.

Council Member Buescher: Mr. President, I do have one question for the Mayor. Mr. Valore

mentioned that if he added land onto what he owns right now, that he would want a PCD. I am wondering how that can be accomplished if he is getting approval for straight R-1 at this point and then purchases more land, which would change the whole intent. Would he have to come back for an entire change of plan? If he is working on the sewer, how would that affect that. Mayor Gillock: If he wants to come back with a PCD, that is a totally new application and would be reviewed as a rezoning process. That would be separate. If you remember, Meadow Lakes, Mr. Dettore originally received an R-1 approval. He then came back and received the rezoning of a PCD and went the other way with it when he added property. It would be a separate application. As far as the sewers are concerned and because of the interest in this area from Mr. Valore and other developers, we contracted Zwick and Associates and Council adopted a master plan for sewers in that area. That is what we are sticking with. Our objective is not to just give sewers to new developers. We are hoping to use that process to get sewers for our residents that currently exist there. If you recall, one option was to bring a sewer up through a ditch in the open area, which would serve the developers but not our current residents. We chose not to go that way. We want it to go up Route 83. Whichever way they go, the sewer will have to go up Route 83 and we will have to determine how it can be financed. We would prefer to put the sewers in ourselves at our expense and charge them for the connection fee. That requires the City to put the money up front. We still may go that route. We will be talking with Squires, Sanders and Dempsey. It is actually cheaper for the developer, if he puts it in himself. It would be simpler if we do it. We don't want to put that money up until we have a really, really strong commitment that someone is going to avail themselves of that sewer and whether we would get our cost back for putting that sewer in.

Council Member Buescher: My concern was the same as Mrs. Butkowski's, being as I am the Ward 1 Council Person. I was worried for the people who are south of this development because the legislation that we passed was supposed to assure that no one would be cut off from accessing sewers. Therefore, I am concerned about that south direction also. You say that there isn't a problem with that.

Mayor Gillock: What we are doing is following that master plan and this sewer line for this project would bring the sewer south down Route 83 to approximately where the Schneider Lift Station is. That is another one of our objectives is to replace that lift station. We then required this particular developer, based upon our master plan, to bring in an oversized sewer all the way over to Stoney Ridge. Our sewer plan requires Stoney Ridge to be serviced to the east. The service line is actually on the west side of Stoney Ridge. All that sewage has to go to Avon Belden and then north. We required him to put a 15-inch line in instead of an 8-inch line. As Larry said, coming off of that line going across, there is a stub required to get to what is basically back land north of this so you could get access there. Scaletta is already building on the corner. There is property on Mills Road that blocks it. There are other properties that gives it access to the property north of this project. The property south of it has access to Avon Belden. Our master plan takes this sewer on south ultimately all the way to the City line, taking out the Becker Lift Station connecting to Avon Belden because that is the way the flow has to go by the plan.

President Arndt: Mr. Engineer, is there anything you want to add to that.

Engineer Griffith: No, the Mayor just covered what I wanted to say.

President Arndt: Is there any other discussion? Let me remind you that there is a motion on the floor by Mr. Jaenke, a second by Mrs. Manning to approve the Planning Commission action for the preliminary plan approval for the Hampton Place. 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. Moving on.

APPLICANT: Thomas G. Simon, President, Sugar 83, Ltd., 2 Berea Commons #1, Berea, Ohio 44017

OWNER: Frances Gilgenbach, 8500 Avon Belden Road
 Michael Vrooman, 36455 Sugar Ridge Road and
 City of North Ridgeville, 7307 Avon Belden Road

REQUEST: Preliminary plan approval for Frances Farms consisting of 160 single family detached and cluster lots

LOCATION: 8500 Avon Belden Road and 36455 Sugar Ridge Road in an R-1 District
 Permanent Parcel Nos. 07-00-026-102-007, -017, -020 and 07-00-026-104-017, -027, -031

PC ACTION: Approved by a vote of four, zero and one abstention
 moved by Jaenke, seconded by Manning to approve the Planning Commission action of the preliminary plan approval for Frances Farms

President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, just a comment about the traffic on Route 83. There was considerable discussion regarding the traffic because one of the accesses will be off Route 83. Their concern was really the intersection of Route 83 and Sugar Ridge. The City, as we all know, has plans to install a traffic light there, which will, for the most part solve the problem. There were lengthy discussions regarding the traffic light and that particular intersection.

Mayor Gillock: Mr. Chairman, just a comment. You can kind of compare this one with the last application. This application is for the property that goes around Westfield. The City has a package plant located at the end of Westfield. This package plant, as we all know, is not dependable or reliable and is in need of approximately 400,000 to 500,000 dollars worth of repairs. Therefore, we are working with this developer, where he will pay for the sewer to run over to the westerly down Shady Drive and bringing it over to our package plant, which we can then remove the plant and connect Westfield with gravity feed. We have similarly required this developer to install oversized pipe to the south and place a stub there in anticipation of being able to extend the sewer to the Shaw, Euclid area. Again, our overall priority is to get sewers to our existing residents that have a need for them.

President Arndt: Thank you. Is there any other discussion?

Council Member Butkowski: Mr. Chairman, this developer presented a preliminary plan that contained a wetland. He showed how he would construct a road around the wetland. He also said that he would save the trees that bordered the existing homes. The plans were clear and specific. Neighbors are comfortable with the plans because they have a clear presentation of what is happening to their neighborhood. It is time that the developers start to respect the surrounding residents and involve them as much as possible, so everyone wins. This was a very

good presentation and it would be great if we could see more like this one.

President Arndt: Thank you, Mrs. Butkowski. Anyone else?

Council Member Boose: Mr. President, again I would echo Mrs. Butkowski's words in that the developer was working very much toward trying to work with the existing residents that are already there. One of the things that came up was that there have been some minor flooding in the area where he is building on the southern portion. What was realized was that because of the development that he is going to be building, should improve storm water management going toward the existing homes because of what he is going to have to do as a developer to contain the water run off on the southern portion of that property. The other thing I would like to add is that the issue of the stop light at Sugar Ridge and Route 83 was also brought up. The residents requested that a turn lane be put on Sugar Ridge at Route 83 so that it would be easier for them to get out. I can tell you from personal experience, from leaving the Shady Drive Complex and trying to turn north onto Route 83 from Sugar Ridge, it can be a long, long wait. If there can be a turn lane for the south bound traffic onto Route 83, that would eliminate some of that congestion because then there could be some traffic moving that wouldn't have to wait there.

President Arndt: Any other discussion? Just as a reminder, we have a motion by Mr. Jaenke and a second by Mrs. Manning to approve the Planning Commission action regarding the preliminary plan approval for the Frances Farms. All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

President Arndt: Before we jump to T 172, Dr. Norris, I would like to make everyone on Council and the audience aware that we have a typographical error and where it speaks to the south side of Lorain Road, it is really the northwest corner. It is simply a mistype because it is correct in ordinance form and it is also correct under our second reading ordinance form. For the sake of clarification, the mistype will be changed from the south side to the northwest corner.

Clerk of Council Norris: Further, from the Planning Commission report was:

T 172-2006 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.

PC ACTION: Recommended approval by a vote of five to zero
moved by Olesen, seconded by Jaenke to approve the Planning Commission action
regarding T 172

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

Clerk of Council Norris: Motion is approved.

T 176-2006 AN ORDINANCE REACCEPTING PERMANENT PARCEL NO. 07-00-

035-103-025 AND APPROVING THE NAME OF LINE DRIVE FOR
COUNTY RECORDATION PURPOSES.

PC ACTION: Recommended approval by a vote of five to zero.
 moved by Boose, seconded by Jaenke to approve the Planning Commission action
 regarding 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: Motion is approved.

President Arndt: We now will be moving to our Council Committee Reports. Before Dr. Norris begins the reading with regards to the Building and Lands Committee Report, tonight is to whether or not Council will or will not accept the report. For clarifications purposes for the benefit of our audience, that this is simply either an acceptance or nonacceptance of the Building and Lands Committee Report, in which case the Planning Commission recommendation will be voted on by Council at our next Council meeting on Monday, February 5. The reason I wanted to clarify that is in the event that anybody chose to speak to this issue, our lobby session falls after the Building and Lands Committee Report approval process. However, you will have the opportunity at our next Council meeting with regard to the Planning Commission recommendation that will come under old business and will fall after the lobby section. So, for the clarification of our Council Members and those of you sitting in the audience, I wanted to make that very clear.

Council Member Boose: Mr. President, excellent explanation of that. However, would it be possible to move the reading and acceptance or nonacceptance of that Committee Report to somewhere later in this evening's agenda so that those that may have been locked out of the Building and Lands Committee. Even though this is not approving the Planning Commission's recommendation, there were some that did not have the opportunity to speak at the meeting and it would allow them to speak on this before this is voted on.

President Arndt: Let me consult with our Law Director.

Law Director Crites: Nothing will prevent anyone who is here tonight to be heard on that issue from addressing it during the lobby session of this meeting. It is actually beneficial for them because then they would be able to address it again in two weeks. So, just because we are not voting on the Planning Commission recommendation tonight, doesn't prohibit anyone who is here to be heard and to address their Council about it and I would encourage them to do so. It would be my recommendation that we leave the agenda as is and let anyone who wants to speak on this issue, because it is topical of course and we are hearing the Building and Lands Committee Report itself, and then give them an opportunity to speak again and correspond with their Councilperson and Administration over the next two weeks before Council approves the preliminary approval by Planning Commission on February 5.

President Arndt: That being the end of that discussion. Dr. Norris, if you would please read the Building and Lands Committee Report.

COUNCIL COMMITTEE REPORTS:

Clerk of Council Norris:

- 1) **BUILDINGS & LANDS COMMITTEE REPORT #5642** Members of Council, we have considered the matter of Planning Commission's recommendation to approve the preliminary plan of Boulder Pointe subdivision and recommend this request be approved. Signed by Chairperson Jaenke and Members Olesen and Manning moved by Manning, seconded by Jaenke to accept the Building and Lands Committee Report #5642

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, I am currently in disagreement of the Committee's recommendation and the approval of their report for a number of reasons. When I look at 1280.01, the intent of the permitting cluster subdivisions, it states that it is the intent of the City to make reasonable provisions through which natural elements of the landscape and population density within districts may be maintained. Further, the intent of the R-1 Residential District code 1250.01 further clarifies that it is the intent of the City, the establishment of R-1 Resident District to provide for areas of low residential density and to stabilize and to protect those areas where such low residential densities exist. Based on the intent, the couple of issues that I have with the proposal, is number one, during the plans and I understand that this is a preliminary plan and that we are looking for a concept of where streets and such are supposed to be maintained, but the identification of two and a quarter acres of wetlands, which has been acknowledged by the developer, clearly will necessitate a substantial change in the current plans including the reduction of lots and a reconfiguration of the west cul-de-sac. If you refer to section 1280.03 (a) of our code, number one says that the dimensions and locations 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 for cluster development. Further in section 1224.01 (a) (2) it indicates that requirements for preliminary plans for proposed location, width of streets, lots, cross walks and easements and a plan for all the land owned is required. When the changes are made due to the wetlands, these changes in the streets are not on the plans that we have and in my opinion, the plans should be redone so that we can see what affect the moving away from the two and a quarter acres of wetlands is going to have on the location of the streets, which will also mean a reconfiguration of the retention ponds. Second, I have an issue still with the reduction of the building acreage that they show on the maps. They show a total acreage of 25.8992 acres and buildable acreage of 25.1937, which the only non buildable lot is the easement for the gas line. Now that the wetlands of two and a quarter acres is going to have to be taken away from that, you now have 22.943 buildable, which increases the housing allowed per acre from 1.6 to 1.74. It is still within the 2.3, which is allowed. However, when you look at the 1280.02, which Mr. Fursdon, who is our head Building Official stated that I have some issue with the detention ponds being included in that calculation. He indicated during our last meeting that the existing ponds would be part of that calculation, but because a detention pond is required by our ordinances, it is not. When I look at the ordinances and it talks about 1280.02 (b) it states and I quote, unbuildable area such as lakes, ponds, streams, swamps,

hazardous topography or soils and land that is not available to the owner for development because of easements, shall not be considered as part of the gross acreage in computing the maximum number of dwelling units. It does not specify whether the pond is existing or is created during the construction. If you include those retention ponds in the non buildable acreage, it drastically increases the number of units in the existing acreage. For these reasons, I wish that these plans be resubmitted and that the Council Committee Report from Building and Lands and Planning Commission would then be rejected.

President Arndt: Thank you, Mr. Boose. Is there any other discussion?

Council Member Butkowski: Mr. Chairman, Mr. Boose was correct about the wetlands. I don't remember that a wetland study had been done and they made a comment that they could mitigate. Mitigation, a lot of times, doesn't work. We know the wetland is there and we have to address that area. This is a very wet area and could cause problems for potential buyers within that area if it is not carefully planned prior to development. There have been problems like this in the past throughout the City and we should learn from our past experiences. It cost the City a lot of money to repair flooding as we have addressed many times. Let's be careful that we don't make the same mistake again. As I stated in the past, it is time the developers start respecting the residents there and the City and come in with plans that we can look at and decide and protect the wetlands areas. I cannot support this preliminary plan until we have some more concrete plans for the area.

President Arndt: Thank you, Mrs. Butkowski. Is there any other discussion?

Council Member Olesen: Mr. President, just one observation. One of the residents called me yesterday about coming over and looking at the Creekside side of the wetlands. I believe that when they told me that, it was like a raging creek back there. I went over there and looked at the other side, where this development will be and walked through that way. I was really surprised at the minimum amount of water on the actual area where the big trees are. Grant it, back in the northwest corner, it is a mess. That water is over your knees. That is the part that the developer said he would probably not build in. He would minimize the number of houses back in that corner. My question is for the City Engineer. We have always heard, Mr. Griffith, that when a developer comes in, he cannot increase the water flow onto other properties. With that said and with the retention ponds in place, as the water is flowing there right now as it sits, will that be an aide to the other property owners.

Engineer Griffith: Yes, it will definitely help down stream because the designs are over conservative and the way they always design, (end of tape one, side one)

President Arndt: Is there any other discussion?

Safety-Service Director Johnson: I would like to clarify wetlands if I could. The City really has nothing to do with wetlands as it is handled by State and Federal authorities. There is a misconception that wetlands can't be subdivided, sold and houses built on some of the wetland area. The developers are allowed by the authorities to use some of that wetland and the rest of it can be subdivided and added onto lots. It is commonly done throughout the area and it is done without disturbing it.

Council Member Buescher: Mr. President, if I recall correctly, the developer and engineer did state that they were not going to build on that particular wetlands area.

President Arndt: Thank you, Yes, Mr. Mayor.

Mayor Gillock: Yes, the developer did state the options that they have available, which includes mitigation. The cheapest and easiest way for them is to just not build on those wetlands, which is what they have decided. Denny is exactly right, wetlands can be built on. There is nothing that says you can't build on them. It says if you do build on them, you have to mitigate it somewhere else. There are a couple of other points I would like to point out. One of the reasons that you don't deduct new retention that hasn't been built yet from the buildable area, there is nothing that says you have to build an open detention or retention pond. You have to retain the water. You could and it has been done elsewhere, is to install underground retention, cover it and build right there. The point is, you still have to hold the water on that property. That land is buildable. You have to figure out how to match your density and then hold that water on that property. The allowable density is 2.3 for whatever acreage is buildable. They are at 1.6, so they are well below the allowable 2.3. If they reconfigure and take some lots out, it is even going to go lower. You need to understand that and to also keep in mind that this is preliminary. Even if you have a plan in place, such as the last application with Simon; which is a great plan, that doesn't mean that plan isn't going to change before we get to final approval. The final approval is where you lock the developer into what he is going to build. All of these still have to come back again. Thank you.

President Arndt: Thank you, Mr. Mayor. Is there any other discussion?

Council Member Manning: Mr. President, I will be supporting the decision made by the Planning Commission. I think one thing we need to remember is that they are volunteers that do their homework immensely. They have a lot of years of experience there. We have a veteran City Council person there. We have two engineers that serve on that Commission. They certainly look at all the things that are being suggested here. I also think that our Administrators have told us that the builder is following the law. It is my belief that because we are the legislators, if we don't like the law, then we need to change it. Until we change it, I don't see how we can't vote yes on this.

Council Member Boose: Mr. President, I would be remiss if I didn't mention this. Last evening, by invitation of Mr. Baugh, I went back and toured where the development will be and the back lots of those that are currently on Boulder Drive to the north. I can only go by what I've been told. I have not witnessed this in the past, myself, but I have been told by him and others that the water yesterday morning and late afternoon that they had in their yards was beyond what they have ever had. That tells me that perhaps something is happening with that lot where the developer is. The developer did go in and cut down some trees and we don't know what else they may or may not have done. I'm not insinuating that anything has been done to allow water that once did not drain onto this property and now it does, but I think that should be checked out by the Engineer or someone in the Building Department as well to make sure that water at one time did not encroach on these properties is not doing so and if it is, then it be redirected and not added to that. Thank you.

President Arndt: Thank you, Mr. Boose. Is there any other discussion?

Council Member Buescher: Mr. President, I still have some questions myself. I appreciate that Mr. Boose brought this information forward in regard to how the area is calculated in relation to the wetlands and I would like to have the opportunity to look into that a little further. I think I will vote to accept the Building and Lands Committee Report, but I do want to check this out within the next two weeks and specifically before our next Council meeting.

President Arndt: Thank you, Mrs. Buescher. Just an invitation to any of our Council persons as well as anyone in the audience to take whatever time you believe is necessary to visit personally with our Chief Building Official Guy Fursdon because I took a great deal of opportunity and time to visit with him to go through step by step every bullet point and section in the ordinance relating to Chapter 1280 and 1224 and all the subsequent subsets. For the benefit of everyone involved in making a decision and those of you who are sitting in the audience who have a concern on either side of the issue, Guy has assured me tonight that he would be more than happy to speak with anyone personally about any of their particular issues. Having said that, is there any other discussion before the Chair calls a vote? We have a motion on the floor by Mrs. Manning and a second by Mr. Jaenke to accept the Building and Lands Committee Report #5642. Will the Clerk please take roll?

Yes, 5 No, 2 (Boose, Butkowski)

Clerk of Council Norris: Motion is approved.

President Arndt: We now come to our correspondence section of our meeting. We have two pieces for tonight.

CORRESPONDENCE:

Clerk of Council Norris: Correspondence before Council this evening includes:

- 1) Received the 2006 pre-printed financial disclosure statements from the Ohio Ethics Commission. The filing deadline is April 16, 2007. These statements have been distributed to all elected officials who are required to file. If you have not received your form, please notify your Clerk of Council.
- 2) Received a letter from City Auditor Chris Costin reporting on his review of water charges and or communications from the City's major water suppliers. In concurrence with the City Engineer's correspondence, a water rate increase is applicable for the year 2007 of 1.02 percent.

President Arndt: Thank you. We have no new business tonight. We now move to the lobby section or the audience participation section of our meeting.

AUDIENCE PARTICIPATION (Lobby):

President Arndt: Any members of our audience tonight are invited 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 that enables us to contact you, personally, should there be a need to do so. You are now welcome and invited to address your City Council immediately to the right of Mrs. Buescher. Please clearly state your name and your address and limit your comments to three minutes. Unless I am obligated to a gavel you, should you get angry with me, three minutes. The lobby is now open.

- 1) Hazel Sferry of 33025 Hidden Hollow Court expressed her concern as it relates to the 30

dollar water deposit being held by the Water Department. She thanked various City Hall department employees as she felt she was treated with the highest degree of patience, courtesy and professionalism. She stated that she was here tonight to talk about Ordinance number 2769-1993 as it relates to the water deposit and explained the ordinance.

President Arndt: Mrs. Sferry, just so you understand that when I made the comment that three minutes doesn't mean you can't ever talk for more than three minutes. We do have an opportunity here to suspend our By-Laws, if someone would make a motion to do so.

 moved by Boose, seconded by Jaenke to suspend the By-Laws to give Mrs. Sferry an additional three minutes to complete her comments.

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: Please, Mrs. Sferry, you have another three minutes.

Hazel Sferry thanked Council for the addition time and explained her investigation into the non interest baring water deposit account totaling 279,917 dollars representing 9,330 depositors. In the year 2005, we had 8,822 depositors. Stated that something is wrong with this. As the community continues to grow, so does this bank account. Explained situations where deposits are non-refundable until they disconnect their service. Stated that this doesn't benefit the residents and it doesn't benefit our community.

President Arndt: Thank you, Mrs. Sferry.

Council Member Boose: Mr. President, would it be appropriate that this situation be referred to the Utilities Committee for consideration.

President Arndt: Absolutely, consider that done. REFERRED TO UTILITIES COMMITTEE.

Safety-Service Director Johnson: Mr. President, I would ask that the Utilities Department be included in any conversation in order for them to have input on this. They are operating under the law and the people Mrs. Sferry spoke to, have no options as they have the law they have to go by. Council Members are the people that can change that.

2) Krista Dickens of 32850 Boulder Drive expressed her lack of knowledge regarding Chapter 1224 prior to the Building and Lands meeting and noted that she has since read this Chapter. She then read the Chapter out loud. She believed that the plans submitted to the Planning Commission did not show the wetlands, the reconfiguration of the streets with lots, or the changes in the retention basins as required in Chapter 1224. She explained her opinion of the intent of Chapter 1224.

3) Mary Karahuta of 5988 noted that she was one of the few that was unable to get into the Building and Lands Committee Meeting. She noted her concerns related to the subdivision of Boulder Pointe having an affect on the residents of Mills Creek regarding drainage. She also expressed her concerns as it relates to the traffic in that area.

4) Helen Brown of 5680 Creekside Lane expressed her concerns relating to the drainage in that area. She stated that she against this and stated that the retention basins don't hold anything.

She asked if someone could do something about the water. She noted that the City has done nothing about the builders who build up the land and does not feel her Council Member has done nothing.

President Arndt: Mrs. Brown, we would like you to keep your comments directed specifically to the issue at hand and no personal attacks please.

5) Richard Faragher of 32775 Boulder Drive noted his concerns as they relate to the traffic on Lear Nagle off Boulder Drive. He provided an example of the traffic flow heading south on Lear Nagle that occurred at 7:20 A.M. this morning. He stated that the traffic flow is terrible and something needs to be done about it. He also explained his concerns as they relate to the water drainage. He also spoke on the legalities of verbal agreements and asked the Law Director if verbal contracts hold up in Court as individuals here tonight noted that the developer has verbally noted the wetlands and did not put it in writing. He addressed the Law Director and asked if there are performance bonds in place.

President Arndt: Thank you, Mr. Faragher. Is there a motion to suspend our By-Laws to dispense with recess?

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

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

 Yes, 7 No, 0

RECESS: dispensed with

President Arndt: We now move to our ordinances and resolution submittals and as you can see, we have none. Dr. Norris, will you begin with our singular first reading please.

ORDINANCES AND RESOLUTIONS:

- **First Readings**

Clerk of Council Norris: First readings this evening include:

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

President Arndt: That concludes our first readings. We now move to our second readings beginning with T 153.

- **Second Readings**

Clerk of Council Norris:

T 153-2006 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.
Second Reading

T 172-2006 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.
Second Reading

T 173-2006 AN ORDINANCE AMENDING CHAPTER 1028, DITCHES, WATERCOURSES AND DRAINAGE IMPROVEMENTS TO ALLOW THE CITY TO RECOUP ITS EXPENSES FOR MAINTAINING WATERWAYS ON PRIVATE PROPERTY AND TO CLARIFY THE RESPONSIBILITY OF PRIVATE LANDOWNERS.
Second Reading

President Arndt: THE CHAIR REFERS T 173 TO THE BUILDINGS AND LANDS COMMITTEE.

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

President Arndt: That concludes our second readings. We have no third readings tonight. We do have one piece of legislation under old business. Dr. Norris?

OLD BUSINESS:

Clerk of Council Norris:

T 169-2006 AN ORDINANCE APPROVING THE FINAL PLAT OF WATERBURY
4359-2007 SUBDIVISION NO. 9, PHASE 9, FOR RECORDING PURPOSES ONLY.
 moved by Jaenke, seconded by Butkowski to adopt tonight 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: T 169 is adopted and becomes permanent ordinance 4359-2007.
Permanent Ordinance No. 4359-2007

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING JANUARY 16, 2007**

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UPCOMING MEETING ANNOUNCEMENTS:

Clerk of Council Norris: Upcoming meeting announcements include:

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

Public Hearing to be held Monday, February 5, 2007 at 7:20 P.M. in Council Chambers re: T 153-2006

President Arndt: The Chair will entertain a motion to adjourn.

ADJOURN:

moved by Butkowski to adjourn

Meeting adjourned at 8:43 P.M.

MOTION _____ Jaenke _____ 2ND _____ Butkowski _____ DATE _____ February 5, 2007 _____

YES _____ 7 _____ NO _____ 0 _____ ABSTAIN _____ 0 _____



PRESIDENT OF COUNCIL DR. RONALD F. ARNDT



CLERK OF COUNCIL CHARLES A. NORRIS