

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING NOVEMBER 21, 2005**

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 Monday, November 21, 2005.

INVOCATION: lead by President Arndt.

PLEDGE OF ALLEGIANCE: by all.

CALLING OF THE ROLL - ROLL CALL:

Present were Council Members Nancy Buescher, Al 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 Chief Deputy Clerk of Council Paula Cope.

MINUTES - Corrections (if any) and Approval:

Chief Deputy Clerk of Council Cope: Minutes before Council this evening include:

Public Hearing Minutes of November 7, 2005 re: T 114-2005

 moved by Butkowski, seconded by Olesen to approve the minutes of the Public Hearing held November 7, 2005 re: T 114-2005

President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions? Will the Clerk please take roll.

 Yes, 6 No, 0 Abstention, 1 (Swindig)

Public Hearing Minutes of November 7, 2005 re: T 115-2005

 moved by Butkowski, seconded by Olesen to approve the minutes of the Public Hearing held November 7, 2005 re: T 115-2005

President Arndt: Is there any discussion? Will the Clerk please take roll.

 Yes, 6 No, 0 Abstention, 1 (Swindig)

Public Hearing Minutes of November 7, 2005 re: T 125-2005

 moved by Butkowski, seconded by Olesen to approve the minutes of the Public Hearing held November 7, 2005 re: T 125-2005

President Arndt: Is there any discussion? Will the Clerk please take roll.

 Yes, 6 No, 0 Abstention, 1 (Swindig)

Public Hearing Minutes of November 7, 2005 re: T 116-2005

 moved by Butkowski, seconded by Olesen to approve the minutes of the Public Hearing held November 7, 2005 re: T 116-2005

President Arndt: Is there any discussion? Will the Clerk please take roll.

Yes, 6 No, 0 Abstention, 1 (Swindig)

Council Minutes of regular meeting held November 7, 2005

 moved by Jaenke, seconded by Butkowski to approve the minutes of the regular meeting held November 7, 2005 as corrected

President Arndt: Is there any discussion?

Council Member Olesen noted a correction on page 24. The word bringing should be breaking. The minutes should read, "it began with the intent of putting a street through from the third house on Debbie Drive and breaking up the cul-de-sac."

Council Member Buescher noted a correction on page 11, as she didn't recall making that statement after Council Member Young and asked if the person that did make that statement would indicate that they made the comment.

Council Member Butkowski agreed that she was the one who made that statement and that it was not Council Member Buescher.

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

Yes, 7 No, 0

Chief Deputy Clerk of Council Cope: The minutes have been approved as corrected by a vote of six, zero and one abstention.

Please note:

Board of Zoning and Building Appeals Minutes of special meeting November 3, 2005 and regular meeting November 10, 2005; and

Planning Commission Minutes of regular meeting October 11, 2005.

MAYOR AND DIRECTORS REPORTS:

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

• **Mayor:** Good evening, Mr. President and Council Members. During the last meeting, we requested approval of funds for gates at Shady Drive Baseball Complex and South Central Park. To emphasize the importance of those funds, I wanted to bring to your attention some of what we are dealing with. On November 14, vandals spray painted the walls inside and out of the bathrooms and shuffleboard buildings at South Central. They also spray painted several new trash cans and threw trash cans into the lake. This weekend, vandals at Shady Drive destroyed part of the new block wall put up by the Rotarians this summer, used those blocks to damage new seven hundred dollar picnic tables, broke stepping stones, destroyed the flags including ripping the US flag, the Ohio flag, and the POW flag to shreds and the Rotary flag is gone. Barbecue grills were pulled out of the ground. Picnic tables and benches were thrown around. Signs were taken off the building and stolen, and items were thrown on the roof. Most of this has been repaired already and put back in place. Although, the flags have not been replaced as of yet. These, are not isolated incidents. Gates have been ordered and hopefully this

will help curtail this kind of wanton destruction and let me assure you, if the police do catch the culprits, they will be prosecuted. Our guys do a great job in trying to keep these parks in good shape. However, these gates are warranted.

On a happier note, December 3 will be the annual tree lighting ceremony at South Central Park gazebo. The High School Choir will begin singing carols at 4:45 P.M., then the scout troops that helped with the decorations will be introduced and the actual lighting will be at approximately 5:10 P.M. Santa will also be there passing out suckers to the kids. So, please stop by and bring the kids. And I want to wish all of you, Councilmen, employees and all of the residents a very happy Thanksgiving; enjoy the holiday, and if you are traveling, please return safely. That concludes my report.

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

• **Safety-Service Director**

Safety-Service Director Johnson: Thank you, Mr. President. A public hearing will be held preceding the next regular council meeting, Monday, December 5 at 7:20 P.M. This hearing will help guide the City as we negotiate a new franchise agreement for cable television and we welcome public input. Please note that the hearing and the Franchise Agreement only involves cable television service, not cable internet or cable telephone. These are not regulated locally. They are handled by the FCC. We ask that the discussion be limited to cable television issues. We are compiling data from the recent cable television survey that was passed out with the utility bills and we will have that information available for that December 5 hearing.

Also, T 149-2005 on our agenda tonight, is an ordinance that will equalize funds paid to operate French Creek Waste Water Treatment Plant. It will allow us to use these funds to make needed repairs and improvements to our City sanitary sewer system. I asked that Council consider suspending By-Laws to pass this ordinance tonight. There is no need to add the emergency clause.

Council Member Young: Is that 149 or 150?

President Arndt: Will you give us that number again, Mr. Johnson?

Safety-Service Director Johnson: I apologize, that number is 150.

President Arndt: This one you are asking that it be adopted tonight with no emergency?

Safety-Service Director Johnson: I ask that it be passed with no emergency?

Council Member Butkowski: Mr. Chairman, what is the time of that public hearing at the next council meeting?

President Arndt: It is at 7:20 P.M. Does that conclude your comments Mr. Johnson?

Safety-Service Director Johnson: Yes, thank you.

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

- **Engineer**

Engineer Griffith: Thank you, Mr. President. Now that most of the leaves have fallen, please consider composting them with other yard wastes. Yard waste makes up a large percentage of landfill garbage. You can benefit the soil in your yard when you turn your yard waste into "black gold" compost, rich in nutrients and humus. Dirt is just bits of clay, sand and rock, but soil is a living community of enriching nutrients and tiny organisms that benefit plant roots. You can turn your dirt into soil with compost. Chipping can create great garden mulch from brush and branches. Various simple methods and designs for compost bins are available at the public library.

What I would not like you to do is place your leaves and yard wastes in any swales, ditches or other water courses. Placing these materials in these locations can and will only lead to drainage problems.

Also, please try to be a good neighbor. Do not rake your leaves or place your yard waste on someone else's property. In the last week, The Engineering Department served as a referee in two such cases.

Thank you Mr. President. That concludes my report tonight.

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

- **Auditor**

Auditor Costin: Thank you, Mr. Chairman. My only item for this evening is the written report for the month of October, which has already been passed to Council and I request your acceptance.

Auditor's Written Financial Report for October 2005

 moved by Swindig, seconded by Butkowski to approve the Auditor's Written Financial Report for October, 2005

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

President Arndt: Will the Clerk please read our other reports.

- **Other Reports**

Chief Deputy Clerk of Council Cope:

Fire Department Report for October 2005;

Water System Operation Report for October 2005;

Building Department Report for October 2005; and

Police Department Activity Report for October 2005.

Planning Commission Report to Council of regular meeting November 10, 2005:

APPLICANT: Ken Gainar, Fibertower, 145 Ken Mar Industrial Parkway,
Broadview Heights, OH 44147
OWNER: John Kapelka, 33310 Lorain Road
REQUEST: Approval to collocate microwave dishes on existing tower owned
by Tower Asset Sub, Inc. and add a 4 foot by 4 foot equipment pad
at base of tower
LOCATION: 33310 Lorain Road in a B-3 District,
Permanent Parcel No. 07-00-010-107-067
PC ACTION: Approved by a vote of four to zero
moved by Jaenke, seconded by Olesen to approve the Planning Commission action for
the approval to collocate microwave dishes on existing tower

President Arndt: Is there any discussion?

Council Member Olesen: Mr. President, the magic word is collocate. I think that is what we are striving for in that the City approve the towers to be used for more than one unit. It avoids building additional towers. I think it's a good idea.

Council Member Jaenke: Mr. President, I might add that this collocation will improve the local telephone service and not necessarily cell service so, this will be an advantage to the residents of the City.

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

Yes, 7 No, 0

APPLICANT: Shawn Kimble, Center Ridge Storage, 35233 Center Ridge Road
OWNER: George Kimble, 35233 Center Ridge Road
REQUEST: Approval to construct additional storage units
LOCATION: 35233 Center Ridge Road in a B-3 District
Permanent Parcel No. 07-00-021-119-130
PC ACTION: Approved by a vote of four to zero
moved by Jaenke, seconded by Olesen to approve the Planning Commission action for
the approval to construct additional storage units

President Arndt: Is there any discussion?

Council Member Swindig: I think this is the property where he has existing storage units there and he is grand fathered in.

President Arndt: Yes, this is correct.

Council Member Butkowski: According to the Planning Commission report, this applicant has not completed his original building plan. He still has one more strip of storage units to build and has not black topped the area where the existing ones are. He must have a dust free area surrounding the building per City ordinance. I do not believe we should allow this project to continue until he has complied with all the building requirements up to this point. I will be voting against this project for these reasons.

Council Member Jaenke: Mr. President, this was discussed during the Planning Commission meeting and Mr. Kimble did agree that he would be paving the existing lots along with the new

sheds. He has already agreed to do that.

Mayor Gillock: I was just going to say, basically, the same thing that Dick did. Just for clarification, I don't believe that this is a case where this is grand fathered in. This has been approved for self storage units, so it isn't a matter of whether it conforms or not. It does conform as it has been zoned and approved for storage lots. I just wanted to add to what Mr. Jaenke stated. The reason they want to wait on the paving is it is easier and more cost effective to get the buildings in first and then do the paving rather than to try and pave and then come in and tear it up to put a building in and then come back and fix it. They did say they would put the paving in.

President Arndt: Any other discussion?

Council Member Butkowski: These storage units have been built for at least over two years and I think it might be closer to five years. The project was not completed. Here is one more strip of buildings he did not build but since he did not build them, he needs to have that or he should have already done that. When you do a project it should be completed before they can start occupying it and using it. He has not. That is a history. How do we know he will do it with these brand new ones that he is now wanting to put in. We have enough problems in this City with things not being done the way they are suppose to be and the residents coming back. I don't think we should approve a project where he has proven that he does not have a big interest in completing the project as it was approved. I do not believe we should approve this until he finishes up the last project he had.

Council Member Jaenke: Mr. President, our Chief Building Official, Mr. Fursdon, was at the Planning Commission meeting and he is aware that this must be done and I'm sure he will be enforcing this issue. I really don't think this is a problem.

President Arndt: Any other comments from members of Council or by the administration? There being none, will the Clerk please take the roll.

Yes, 5 No, 2 (Buescher, Butkowski)

Chief Deputy Clerk of Council Cope: Planning Commission Action was approved by a vote of five to two.

APPLICANT:	Joseph R. Scaletta, Northborough, Ltd., 35290 Detroit Road, Avon, Ohio 44011
OWNER:	Same
REQUEST:	Final plan approval for Phase 1 of Northborough Senior Housing Development
LOCATION:	Vacant Land on Mills Road in a Senior Citizen Planned Residential Development Permanent Parcel No. 07-00-030-000-089
PC ACTION:	Approved by a vote of four to zero moved by Jaenke, seconded by Olesen to approve Planning Commission action for the final plan approval for Phase 1 of the Northborough Senior Housing Development

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: Phil Damore, PK Damore, LLC, 8410 Carnegie Avenue,
Cleveland, OH 44103
OWNER: Same
REQUEST: Approval to construct a 501 square foot addition to existing
structure
LOCATION: 32583 Center Ridge Road in a B-3 District, currently known as EZ
Clean Car Wash
Permanent Parcel No. 07-00-006-103-008
PC ACTION: Approved by a vote of four to zero
moved by Jaenke, seconded by Olesen to approve the Planning Commission Action of
the approval to construct a 501 square foot addition to existing structure

President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, the plans that the Planning Commission reviewed will
fit in very nicely with the existing structure. Here we have an existing business in town
expanding their facility. So, this is a real plus for the City.

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

Yes, 7 No, 0

Council Referrals:

T 123-2005: An ordinance amending NRCO section 1272.04 "Permitted and
conditional uses" by adding Animal Clinic or Animal Hospital

PC ACTION: Approved by a vote of four to zero
moved by Jaenke, seconded by Olesen to approve the Planning Commission action
amending NRCO section 1272.04

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 COMMITTEE REPORTS:

President Arndt: Are there any Committee Reports that Council needs to report? We move to
Correspondence.

CORRESPONDENCE:

Chief Deputy Clerk of Council Cope: There is just one piece.

- 1) Received a memo from Engineer Larry Griffith reporting that the developer of Ridgefield
Subdivision Number Six has satisfactorily completed all work and/or repair and
recommends that the subject subdivision receive final acceptance by Council.

President Arndt: THE CHAIR REFERS THAT TO BUILDING AND LANDS.

NEW BUSINESS:

Council Member Buescher: Mr. President, I'm not sure if this is the proper place to bring this up. However, I was informed tonight that I was sent an email through the City's website, which I have never received and this is not the first time that this has happened. In fact, I have missed some very important emails that were sent to me that didn't go through. I heard that they do have problems with that system. I think that it is extremely important if people who are elected are not receiving their emails from those who elected them. Something needs to be done about that.

President Arndt: With your permission, I would like to check with our Safety-Service Director Johnson.

Safety-Service Director Johnson: I will take a look at that myself, Mrs. Buescher, but I would recommend that you click in the link yourself and inspect where it is taking you and that will tell me where the problem lies. If you should bring up your email program and plug in your address and the address is correct, then there is another problem. But, that is probably what is wrong and if you will let me know what the correct email address is, we can get it taken care of.

Council Member Buescher: Thank you.

President Arndt: Is there any other new business to be brought before Council? The Chair, under new business, would like to bring up the issue that tonight we have somebody very special sitting with us. Someone, I believe we need to recognize. Over the past year, many of us who are sitting here on Council and those of you who watch diligently, have heard the wonderful stories that are reported on the extra efforts put forth by our Service Department. We have acknowledged the award winning efforts by our Auditor and his team of professionals. Our City has another employee to brag about tonight and she is sitting to my right. How fortuitous that Dr. Norris is away for the evening and our Chief Deputy Clerk of Council Paula Cope is here with us. What I want to do is to recognize and acknowledge for everyone's benefit, that Paula recently has received the Master Municipal Clerk designation through the International Institute of Municipal Clerks and she finds herself in a rather elite group of people. As a matter of fact, I received communication from the President of that organization describing how Paula has made a personal commitment to life long learning and mentoring. She has completed many Academy and University based programs. She has taken advanced seminars and workshops. She has demonstrated proficiency in teaching and writing in the profession. She also has demonstrated a proficiency for facilitating meetings and achieving consensus. She has truly been honored and recognized by her peers for extra ordinary service to the profession. As President of your City Council for the past two years, I must tell you that her insights and guidance have been incredibly invaluable to me, personally. Her knowledge to parliamentary procedures, attention to detail for all of the items coming through Council's office and her ability to explain complex issues in understandable terms has been an asset to every one of us who sits here and I would ask all of us to join me in acknowledging our Master Municipal Clerk, Paula Cope.

Chief Deputy Clerk of Council Cope: I have all of you to thank for that, if it weren't for all of you, I wouldn't be where I am at today.

President Arndt: This is just another example that is so nice to be able to, in two years time, witness and experience the kind of excellence that our City provides and knowing that we have

folks on our payroll, people who are here, constantly working hard to serve us, is a real tribute to our City.

AUDIENCE PARTICIPATION (Lobby):

President Arndt: We have now reached the audience participation portion of our Council meeting tonight. We now invite any member of our audience tonight who choose to speak to your City Council. You are now invited and welcome to approach the podium immediately to the right of Mrs. Buescher. When you come forward, please fill out the lobby form that you can find at the back of the room. It enables us to contact you personally, should we have a need to do so. Also, when you approach the podium, please clearly state your name and your address and please limit your comments to three minutes. The lobby is now open.

1) Mr. Dave Bachouros of 35090 Nikki Avenue expressed his concerns that damage to his foundation is being caused by the street. He explained that when people drive down the street, it puts stress onto the curve making the street actually move. The street is moving into their driveway. He explained that he is not the only resident who is having this problem. The street has crumbled their aprons, which the Service Department has fixed. However, the driveway, he explained, is being pushed up hill into his garage floor. The garage floor has pushed out the back foundation of his garage. He brought photos and explained the damage in detail. He asked if the City would take responsibility for repairs and who he needs to talk with.

Engineer Griffith: This is not an unusual situation. I've seen this occur on a number of occasions where in all probability the likely cause is expansion of the concrete. Not so much movement going around the corner. Putting in an expansion relief joint is the typical relief for this and that is what the Service Department did install. What we will be doing is keeping an eye on those relief joints to see if they close up. If they do, we'll just make them wider. But, that is the typical solution to this problem.

President Arndt: Any other direction we can give Mr. Bachouros at this particular point in time.

Engineer Griffith: To my knowledge, the damage repairs have always been handled by the individual's home owners insurance.

Mr. Bachouros: That is not the case here as it has to be a separate clause within your policy.

Mayor Gillock: Mr. President, I believe Mr. Bachouros is here to determine liability or reimbursement, which will have to be discussed with our Law Department as it is an insurance issue.

Law Director Crites: If I would, the one comment I was going to offer is what I would ask you to do and obviously what you have expressed is a claim tonight. You have a claim against the City for what you believe to be a loss that you have suffered due to the City's negligence or a faulty piece of construction. You have adequately presented it tonight, but it would help facilitate a quick response to put that claim in some form of writing either directed to myself or very often those claims come through our Treasurer's office, because here, our understaffed City, he handles all of our insurance issues. It would be sufficient to send it to me. My name is Andrew Crites, Law Department. What I will do is sit down with the powers that be in the City, make an assessment as to whether or not we believe we are liable, and if so to see if it is an insurable loss and get you a response so that you can move forward with what you want to do. In short, either

contact me, if you don't want to write a letter, with just a very brief statement to my department and we will react accordingly.

Mr. Bachouros: If you look at the street itself, up against my curb, the tree lawn. There is no gap what-so-ever between the curb and the street itself. If you go on the opposite side of the street on the inside, there is a big gap. So, the street is shifting. Somewhere along the line, something is not right. If the expansion joints work, that's great. From here on out I guess I'll contact you.

Law Director Crites: If I may, from what I hear from you this is more than just the expansion joints, because if that may rectify the problem that you are stating is what caused the damage. You are saying that you have damage and your structure needs to be fixed and where the issue lies is, who will be paying for it.

President Arndt: Is there a phone number?

Chief Deputy Clerk of Council Cope: 353-0848

Council Member Young: Can Mr. Crites keep those photographs?

Mr. Bachouros: They are right here.

Law Director Crites: You can part with these? These are my copies?

Mr. Bachouros: Yes, they are on my computer.

President Arndt: Who else would like to address your City Council?

2) Mr. Tony Valore of Valore Builders, 23550 Center Ridge Road, Westlake, Ohio explained that they came to North Ridgeville approximately three years ago now with the intention of doing the best that they could. He explained that during the last Council meeting the members voted down a request of theirs to rezone parts of property that is effectively behind residential homes and a commercial site they have on Center Ridge. He explained that they have always worked in the spirit of cooperation where ever they have gone. He was disappointed to hear that it was voted on with three yeses and three nos when this is a seven voting member Council. He explained that they presented a single family home plan. They went to the residents, they went to the City and they came up with a plan that all thought would be effective use of this land. He explained that they proposed a buffering they thought was more than adequate to insure the resident's privacy. He stated he thought the majority of the residents surrounding this plan were in favor of it. He explained that what he doesn't understand is that when something that is fully accepted almost in all areas, how it was ever turned down. He then asked if Council could reconsider opening the request to have it heard by a full Council body as there wasn't a full Council present that evening of the vote.

3) Mrs. Charlotte Corridoni of 34056 Gina Drive expressed her concerns as it relates to the Valore project and their proposed storage sheds. She explained that the residents in that area did not want the original proposal to build homes due to concerns with flooding. She explained that residents expressed, during all meetings they attended, what plan was better for them and that Council Members who were elected by these residents should be supporting their requests.

Council Member Buescher: Mr. President. I will not vote in favor of anything which presents a conflict or contradiction within the law or that favors one party over another when a proposal is presented to the City for approval. I will not vote on anything where there is a crossover within

the system of checks and balances or where there are loop holes within the law are discovered and brought to light that are not remedied before Council takes action on a proposal. I was elected by the people and I have said this how many times, that I took an oath to know the law and preserve the law. I am acting with good faith and in good conscious, with knowledge and understanding of the law. I don't know how many times or how many ways I can say it. It has nothing to do with storage sheds per say. It has to do with B-3 and the intent of B-3 in our ordinances period. I cannot vote in favor.

4) Barb Sutton of 34104 Gina Drive stated that she has never spoke for or against this project being discussed as she stated only her opinion. She stated that she understood both sides. However, she stated, if push came to shove, she would much rather have a buffer zone with trees for the storage units that will not pose a problem with more sewage coming in.

5) Charles Neel of 34080 Gina Drive expressed that he is for the storage shed project that is proposed to go behind his home.

6) Mr. Valore stated that he appreciates what Mrs. Buescher said and agrees with her whole heartedly. Explained meetings with the Law Department, the Mayor, and with people that run this government and he thought that their interpretation of his submittal was that it would fit. Stated that he would not have even considered it unless the Law Director himself, agreed with the submittal.

Council Member Buescher: Mr. President. I realize that this has been a very difficult thing to work through because everything from the beginning was done with the best of intentions and then as time went on, something came up that we weren't aware of, which presented a conflict, and even though, we have been working with you and doing what we can to please everyone in this situation, I haven't been able to reconcile the problems that we have within our legislation. That is why I can't make a different decision that I have come to. I have been thinking about this for weeks. I've attended the Zoning Board meetings. I understand why the Zoning Board had the ability to do what they did. There is an error in our legislation and a conflict and I feel that, that should have been cleared up before B-3 was changed as far as the intent by the Zoning Board.

7) Mrs. Corridoni questioned Council on what they want Valore Builders to do?

Council Member Young: Point of Order, Mr. President. Each individual gets three minutes to speak unless Council suspends the By-Laws to allow the individual additional time. As far as I know, Council has not suspended the By-Laws and we have already heard Mrs. Corridoni's concerns and we accept Mrs. Corridoni's concerns and appreciate Mr. Valore and his concerns as well and in the manner that he approached this Council in talking about his concerns. As Mrs. Buescher did indicate, it is to bad that things worked out the way they did. We do welcome you to our City and we do believe that you will be beneficial to our City. But, point of order with any further comment from Mrs. Corridoni.

President Arndt: The Chair calls for order at this particular point in time. The point of order here is that as long as no one else in the audience has any other comments to make, than, an individual does have the opportunity to come and speak a second time. However, we will keep that at three minutes.

Mrs. Corridoni thanked President Arndt and noted that she has spoken for the people in her area. Stated that she believes Council should listen to what has been said here tonight and maybe react on that.

Council Member Young: Mr. President. There were several constituents that did come and speak at the different hearings that were not in favor of the storage sheds for a number of reasons. One of them is that the storage sheds will not increase the property values of the homes next to the storage sheds and these constituents brought those concerns to my attention whereas with houses in the same area, their own houses and property values would not decrease and in addition to that, the storage units don't generate any additional income for the City, whereas houses would generate additional income for the City. We do appreciate, Mr. Valore bringing the housing project the first time around. It did meet with resistance from both the residents, but there were also concerns about the engineering studies as I recall. There were concerns as to whether or not the creek flowed one way or the other and I think that was the ultimate reason why that particular project was turned down. It is too bad that this situation ended up happening the way it did. With respect to Mr. Swindig, in his defense, he did have a funeral to attend. It wasn't just a matter of whether or not him skipping out on a vote and to suggest otherwise is inappropriate. Mr. Valore probably did not know this. We do appreciate you coming into our City and hopefully we can come up with a new solution.

Mayor Gillock: I wasn't going to say anything, but I feel as though I have to set the record straight here. Mr. Valore came in and applied for residential, which that property was properly zoned for. There were questions. Mr. Valore met with the residents. We met at the Senior Center. Those issues were rectified. Yet, when it came to Council, we turned him down for residential. He came back and asked to have that area rezoned to Industrial, which would have been spot zoning. We suggested that he apply for rezoning to Business, which would be an extension of the business district that already exists on Center Ridge that abuts this property. He could have come in and asked to rezone this property to B-3 for retail. That would have been the end of it, but he said he wanted to do it for self storage units, which the Board of Zoning Appeals duly and legally stated that it was a permitted use in a B-3. There is no conflict there as they have that right by ordinance which Council passed. It may be unfortunate that, that was not the desire of Council when they originally stated they didn't want U-Store-Its in this area. Council passed the ordinance that permitted BZA the authority to decide what is a permitted use. They said it was a permitted use. So, up to this point, we have told Mr. Valore that you can't build houses which are authorized there and you can't build self storage units, which we have said are authorized there and can't rezone to Industrial because that would be spot zoning. We really have not been fair to him and we really need to take a close look at this. Thank you.

Council Member Olesen: Yes, Mr. President, the only thing that really bothers me tonight is that this Council is utterly dependent on its' legal counsel for its actions. The Administration is

utterly dependent on legal counsel for moving our City forward. When we get advise from legal counsel saying something is legal or appropriate and we turn it down, we are heading in a very bad direction and I think we should really be cognizant of this in the future.

Council Member Buescher: Mr. President. The Mayor said that the Zoning Board gave Mr. Valore the right to build on this property and that is not correct. That property has to be rezoned. We could decide we don't want to rezone it for a multitude of reasons. But the fact that the Zoning Board said that storage sheds could go under B-3, is a separate issue from the zoning, which you stated yourself during two meetings.

Mayor Gillock: Mr. President. What I said was that Board of Zoning Appeals said that self storage units were an accepted and permitted use in B-3.

Council Member Buescher: Mr. President. But it's not B-3.

President Arndt: The Chair is going to bring this conversation to a close.

 moved by Arndt, seconded by Young to suspend our By-Laws and forego our recess tonight

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

RECESS: dispensed with

ORDINANCES AND RESOLUTIONS:

President Arndt: Will the Clerk please read our Ordinance and Resolution submittals.

Law Director Crites: Mr. President. I don't know if you have been made aware of the fact that we have a late ordinance and I am asking it be submitted tonight under the suspension of the By-Laws. I distributed to each member of Council tonight, an ordinance that is titled as accepting .330 acres of land located at Westfield Drive from L.E.D. Co., Inc.

 moved by Arndt, seconded by Olesen to suspend our By-Laws to put that under First Readings tonight

President Arndt: Will the Clerk please give this a temporary number?

Chief Deputy Clerk of Council Cope: T 153-2005

Mayor Gillock: Mr. President, we did not receive a copy of that ordinance.

President Arndt: We will take a moment for a copy to be distributed to the Administration. We have a motion on the floor by Arndt and a second by Young to suspend our By-Laws tonight to include T 153 under first readings. 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

• **Ordinances & Resolution Submittals**

Chief Deputy Clerk of Council Cope:

T 149-2005 AN ORDINANCE AMENDING NRCO SECTION 1044.02 *CONNECTION CHARGES* TO MODIFY THE METHOD OF CALCULATING SANITARY SEWER CONNECTION FEES CHARGED TO NURSING HOMES.

moved by Olesen, seconded by Jaenke to suspend By-Laws to give T 149 its' first reading

President Arndt: Is there any discussion?

Council Member Young: Mr. President, just a quick question for the Mayor. Mayor, did you still need a Utilities Committee Meeting with regard to this particular ordinance?

Mayor Gillock: No, we don't. I would like to explain what this ordinance is very briefly. Our connection charges are determined one of two ways. One, there is a schedule for several occupancies and the rest are determined whether or not they are on the schedule. Nursing Homes is on the schedule. However, we found in other cases as we did with restaurants when Quaker State & Lube connected, that sometimes they become way out of wack and next year we want to take a look at the entire ordinance for connection charges. In the meantime, Center Ridge Nursing Home, which is on Center Ridge, has to hook into the sewer system and has obtained connection charges from other cities for comparison. They range from anywhere from nine thousand two hundred dollars to over two hundred thousand dollars. So, what we are saying here is, lets make it where the Engineer could base it on actual usage, which seems to be more comparable to the other cities, which would be more fair to them. That way they can get hooked in and pay the City, which would give us some time to correct the ordinance in its' entirety next year.

Council Member Young: Mr. President, this subject has come up several times both in Building and Lands Committee meetings and just in general conversation. I agree with the Mayor's assessment and the need for this particular legislation to allow the Engineer to equitably determine the rates based on the usage.

President Arndt: We have a motion on the floor by Mr. Olesen and a second by Mr. Jaenke to suspend our By-Laws tonight to give T 149 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 150-2005 AN ORDINANCE AMENDING CHAPTER 1042 *FRENCH CREEK SEWER DISTRICT REGULATIONS* TO MODIFY THE METHOD OF CALCULATING USER FEES PAID BY THE CITY OF NORTH RIDGEVILLE TO THE FRENCH CREEK WASTE WATER TREATMENT PLANT DUE TO CURRENT AND HISTORICAL GROUND WATER INFILTRATION.

moved by Olesen, seconded by Jaenke to suspend By-Laws to give T 150 its' first reading

President Arndt: Mr. Johnson, did you have a comment?

Safety-Service Director Johnson: There was a change to this ordinance that apparently didn't make it to the copy that is sitting in front of everyone right now. I would ask that Council consider amending section two, last sentence, where it states, said method is to be applied retroactively to, strike everything after that and make it, January 1, 2005.

moved by Mayor Gillock, seconded by Young to amend the verbiage in T 150 under section two, the last sentence, to state, said method is to be applied retroactively, to strike out the rest of the sentence and replace it with, January 1, 2005

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

President Arndt: In addition, we have a motion on the floor by Mr. Olesen and a second by Mr. Jaenke to suspend our By-Laws tonight to give T 150, as amended, its' first reading. Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

T 151-2005 AN ORDINANCE AMENDING SECTIONS 1264.02(a)(21), 1266.02(a)(92), 1268.02(c), 1270.02(d) AND 1272.04(e) OF THE NORTH RIDGEVILLE CODIFIED ORDINANCES BY REPLACING THE BOARD OF ZONING AND BUILDING APPEALS WITH THE PLANNING COMMISSION AS THE BODY AUTHORIZED TO MAKE DETERMINATION OF USES AS SAME CHARACTER AS PERMITTED USES.

President Arndt: THE CHAIR REFERS T 151 TO THE ADMINISTRATIVE COMMITTEE.

T 152-2005 AN ORDINANCE AMENDING SECTIONS 1274.02(i), 1276.02(c), AND 1278.02(c) OF THE NORTH RIDGEVILLE CODIFIED ORDINANCES BY REPLACING THE BOARD OF ZONING AND BUILDING APPEALS WITH THE PLANNING COMMISSION AS THE BODY AUTHORIZED TO MAKE DETERMINATION OF USES AS SAME CHARACTER AS PERMITTED USES.

President Arndt: THE CHAIR REFERS T 152 TO THE ADMINISTRATIVE COMMITTEE.

• **First Readings**

President Arndt: Will our Clerk begin reading our First Readings starting with T 123.

Chief Deputy Clerk of Council Cope:

T 123-2005 AN ORDINANCE AMENDING NRCO SECTION 1272.04 "PERMITTED AND CONDITIONAL USES" BY ADDING ANIMAL CLINIC OR ANIMAL HOSPITAL.
First Reading

T 142-2005 A RESOLUTION REVISING THE STANDARDS OF A COMMUNITY
1064-2005 REINVESTMENT AREA BY AMENDING RESOLUTION 768-94, SECTION 3(C)(1).
First Reading
moved by Mayor Gillock, seconded by Olesen to dispense with the second and third readings tonight on T 142

President Arndt: Is there any discussion?

Council Member Young: Mr. President, I am an opponent to suspending the By-Laws with regard to this particular resolution.

President Arndt: Is there any other discussion? Will the Clerk please take roll?

Yes, 6 No, 1 (Young)

Chief Deputy Clerk of Council Cope: Motion has been approved by a vote of six to one.

 moved by Olesen, seconded by Jaenke to adopt tonight T 142.

President Arndt: Is there any discussion?

Council Member Young: Mr. President, the reason I am an opponent to suspending the By-Laws; now I'll voice my opposition with regard to the adoption, is this basically allows for tax abatements on these particular matters without really getting a promise of jobs or something in return and I am against this resolution for that reason.

President Arndt: Is there any other discussion?

Council Member Butkowski: Mr. Chairman, I tried, at the last meeting, to at least raise the minimum from zero to two. I think when you are giving someone a tax abatement, they ought to give you something back. I don't think they are giving us anything back if they have zero jobs. Also, with a tax abatement, it takes away from the school system. They aren't helping us any and by giving us something back, I think that if you give somebody something, they ought to give you a little bit back and one or two jobs isn't a whole lot. I know the Ohio Revised Code says something, but no one says that the Ohio Revised Code is always right either.

Council Member Olesen: I just wanted to mention that the Ohio Revised Code uses the same figure as zero.

Mayor Gillock: I would just add that modifying our ordinance to match the Ohio Revised Code does not automatically give anyone tax abatement. It gives them the right to be considered. Those still have to be considered. If we can grant the tax abatement, which are concluded from things we look at and, in this case, you can only abate real estate taxes and not the personal property taxes. They will bring some jobs and the schools do get forty five percent of the income tax brought in by those new jobs. So, the schools immediately, have more income that they had prior to the abatement.

Council Member Butkowski: Mr. Chairman. If they don't bring any more jobs, they don't get any more income tax. No one will get anything, if they don't bring in any jobs.

Mayor Gillock: If they don't bring in the jobs, we won't grant the abatement.

 moved by Young, seconded by Butkowski to amend T 142 to state a minimum of two to ten jobs in place of zero to ten

President Arndt: Is there any discussion?

Safety-Service Director Johnson: As I stated at the last Council meeting when this was brought up, it is not a matter of not having any jobs, it's a matter of who controls the jobs. The person who is seeking tax abatement may be putting in an improvement that does not involve jobs. The people coming into that facility would bring the jobs and the person that is actually building it, cannot commit to it because he doesn't control the jobs and that is why it needs to be removed, in my opinion.

Council Member Buescher: Mr. President, Mr. Costin gave a very good explanation at the last meeting as to why he felt that we should have it at zero and I agreed with him at that time.

President Arndt: We have a motion on the floor by Mr. Young, a second by Mrs. Butkowski to amend tonight T 142 to change from a minimum of zero to ten to two to ten jobs. Is there any other discussion?

Council Member Young: Mr. President, again, I don't think that we should be giving something and not receiving anything in return. I think that at the very least there should be a minimum

requirement. Like the Mayor said, there is a Tax Abatement Review Board and they won't grant the abatements unless there is a promise of some jobs in return. I think this just sends a clear message that we are not willing to give out the abatements unless we do get jobs in return and two is not that big of a deal as far as the jobs are concerned. I do understand that Auditor Costin made some comments last time, but I would like to remind all the legislators that Mr. Costin is appointed to his position as opposed to elected and that we should listen to our constituents and what our constituents want is for us not to give away something without receiving anything in return. Let's stop giving away things.

President Arndt: Thank you, Mr. Young. Is there any other comments?

Council Member Butkowski: Mr. Chairman, if someone was building a building, they normally don't build, put up too many buildings in North Ridgeville on speculation so there is probably something that is going to be going into and in all likelihood and even if they are building a building to hold something then they could at least say that there's going to be two jobs in that building.

Council Member Olesen: We resolved this issue during the last Council meeting, I don't know why we are doing this again. It was turned down when it was at two to back to zero and we are doing this all over again.

Mayor Gillock: I have to disagree with Mrs. Butkowski's comments with regard to spec building. In North Ridgeville, that may be true with houses. However, commercially, Mr. Valore has gone and built Providence Square without bringing one job and has built all those buildings. DiBenedetto is building the Towne Center. Greg McGee is building a 50-acre Industrial Park. We have buildings that are being built all over that didn't bring in one job. There are a lot of jobs in those buildings currently, but they didn't come when the building was being built.

President Arndt: Again, as a reminder there is a motion on the floor by Mr. Young and a second by Mrs. Butkowski to amend tonight T 142 to change it from a minimum of zero to ten jobs to two to ten jobs. Will the clerk please take roll on the amendment?

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

Chief Deputy Clerk of Council Cope: Motion fails by a vote of four nos, three yeases.

President Arndt: In addition, we have a motion on the floor by Mr. Olesen and a second by Mr. Jaenke to adopt tonight, T 142, as originally presented, a minimum of zero to ten jobs.

Council Member Young: Mr. President, I move to amend it to read one to ten jobs.

Council Member Buescher: Mr. President, as the Mayor just explained, when these buildings come in, there are no jobs and if we refuse a building coming in or a business because there isn't an immediate job, we are losing everything.

President Arndt: The Chair moves to call the votes. Let me restate it once again. There is not a second.

Council Member Young: I know there was no second on the motion to amend but, I would like to have one comment on the actual adoption.

President Arndt: A comment on the adoption, yes sir.

Council Member Young: I seem to recall about two years ago, when we were all at the Chamber of Commerce meeting and we were being questioned as to how we feel about tax abatements, everyone seemed to be reluctant about it. It was described as a tool in the tool box

to be used sparingly. Hopefully, that will continue forth and in light of that conversation and discussion, I don't think that we should be giving out something in return and I urge my fellow Council Members to vote no on this particular resolution as it stands.

President Arndt: That was the final statement. There is a motion by Olesen, second by Jaenke to adopt T 142. Will the Clerk please take roll.

Yes, 5 No, 2 (Butkowski, Young)

Chief Deputy Clerk of Council Cope: T 142-2005 has been adopted by a vote of five to two and becomes Permanent Resolution Number 1064-2005.

Permanent Resolution No. 1064-2005

T 153-2005 AN ORDINANCE ACCEPTING .330 ACRES OF LAND LOCATED AT
4202-2005 WESTFIELD DRIVE FROM L.E.D. CO., INC.

First Reading

moved by Arndt, seconded by Butkowski to dispense with the second and third readings tonight on T 153

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

Yes, 7 No, 0

moved by Arndt, seconded by Butkowski to adopt T 153

moved by Arndt, seconded by Butkowski to add the emergency in order that this property does not get taken by the County because of the delinquent taxes

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

President Arndt: In addition we have a motion on the floor by Arndt and a second by Mrs. Butkowski to adopt tonight T 153 with the emergency. Any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Chief Deputy Clerk of Council Cope: T 153-2005 has been adopted with the emergency and becomes Permanent Ordinance Number 4202-2005.

Permanent Ordinance No. 4202-2005

T 149-2005 AN ORDINANCE AMENDING NRCO SECTION 1044.02 *CONNECTION*
4203-2005 *CHARGES* TO MODIFY THE METHOD OF CALCULATING SANITARY
SEWER CONNECTION FEES CHARGED TO NURSING HOMES.

First Reading

moved by Arndt, seconded by Jaenke to dispense with the second and third readings tonight on T 149

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

Yes, 7 No, 0

moved by Arndt, seconded by Young to adopt T 149

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

Chief Deputy Clerk of Council Cope: T 149-2005 has been adopted and becomes Permanent Ordinance Number 4203-2005.

Permanent Ordinance No. 4203-2005

T 150-2005 AN ORDINANCE AMENDING CHAPTER 1042 *FRENCH CREEK SEWER*
4204-2005 *DISTRICT REGULATIONS* TO MODIFY THE METHOD OF CALCULATING
USER FEES PAID BY THE CITY OF NORTH RIDGEVILLE TO THE
FRENCH CREEK WASTE WATER TREATMENT PLANT DUE TO
CURRENT AND HISTORICAL GROUND WATER INFILTRATION.

First Reading

moved by Olesen, seconded by Jaenke to dispense with the second and third
readings tonight on T 150

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

Yes, 7 No, 0

moved by Olesen, seconded by Jaenke to adopt T 150

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

Yes, 7 No, 0

Chief Deputy Clerk of Council Cope: T 150-2005 has been adopted as amended and becomes
Permanent Ordinance Number 4204-2005.

Permanent Ordinance No. 4204-2005

• **Second Readings**

President Arndt: We now move onto our second readings and Ms. Chief Deputy Clerk of
Council Cope, if you will begin with T 148.

Chief Deputy Clerk of Council Cope:

T 148-2005 AN ORDINANCE AMENDING SECTIONS 1268.02(c), 1270.02(d), AND
1272.04(e) OF THE NORTH RIDGEVILLE CODIFIED ORDINANCES BY
REMOVING SELF-STORAGE UNITS AS A PERMITTED OR
CONDITIONAL USE.

Second Readings

• **Third Readings**

President Arndt: There are no third readings. Is there any old business to be brought before
Council tonight? Will our Clerk read our upcoming meeting announcements?

UPCOMING MEETING ANNOUNCEMENTS:

Chief Deputy Clerk of Council Cope:

Next Regular Council Meeting Monday, December 5, 2005 at 7:30 P.M. in Council Chambers

Public Hearing Monday, December 5, 2005 at 7:20 P.M. to hear public comment on the review and performance of Comcast and the community's future cable related needs and interest

Public Hearings Monday, December 19, 2005 beginning at 7:15 P.M. on the following:

- 1) T 148-2005
- 2) T 123-2005

President Arndt: I would like to welcome, sitting in our audience tonight, our two newly elected Council Persons.

Council Member Young: Mr. President, Just a quick comment for the Clerk regarding the public hearing for T 148. We did have the second reading tonight and just as a point of clarification, why would we have the public hearing on December 19 as opposed to December 5.

Chief Deputy Clerk of Council Cope: There is a reason for that. I believe it is because of advertisement requirements, but I would have to look at my notes for that. I can't remember off the top of my head but, I do have it written in my notes as to why.

President Arndt: If we feel or discover that there needs to be a correction, Mr. Young, would it be acceptable to make that announcement change and if it needs to be moved to the 5th.

Council Member Young: Yes.

President Arndt: Anything else? What I wanted to say is that we want to welcome our two newly elected Council persons. What? She remembers.

Chief Deputy Clerk of Council Cope: Planning Commission hasn't made their recommendation yet.

President Arndt: Hi, Mrs. Manning and Hi, Mr. Boose. It is just nice to see our two newly elected council persons out there.

ADJOURN:

 moved by Swindig to adjourn

President Arndt: Meeting adjourned.

Meeting adjourned at 9:02 P.M.

MOTION Young 2ND Olesen DATE December 5, 2005

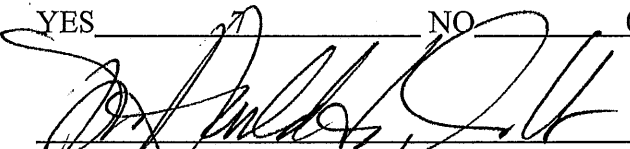
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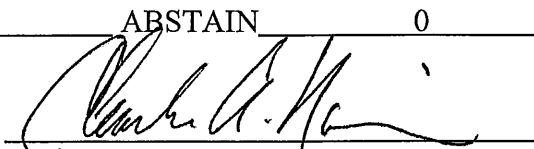
NO

0

ABSTAIN

0


PRESIDENT OF COUNCIL DR. RONALD F. ARNDT


CLERK OF COUNCIL CHARLES A. NORRIS