

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING NOVEMBER 20, 2006**

CALL TO ORDER: 7:30 P.M.

President Ronald Arndt: The Chair calls to order, the North Ridgeville City Council Regular meeting dated Monday, November 20, 2006. If you will all rise for our Invocation, followed by our Pledge.

INVOCATION: lead by President Arndt.

PLEDGE OF ALLEGIANCE: by all.

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:

Public Hearing minutes of November 6, 2006 re: T 130-2006

 moved by Olesen, seconded by Jaenke to approve the Public Hearing Minutes of
 November 6, 2006 regarding T 130

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 Minutes of the regular meeting held November 6, 2006, as corrected

 moved by Boose, seconded by Butkowski to approve the Council Minutes of the regular
 meeting held November 6, as corrected

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.

Clerk of Council Norris: Council will also, please note:

Board of Zoning and Building Appeals Minutes of regular meeting October 26, 2006

Planning Commission Minutes of regular meeting November 14, 2006

MAYOR AND DIRECTORS REPORTS:

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

- **Mayor:**

Mayor Gillock: Thank you, Mr. President. I will be rather short this evening. First, I would like to discuss a little bit, the Root and Lorain Road intersection project. That is moving along and is ahead of schedule. As of last Friday, the estimated date to open that up will be November 28. I would just like to explain that sometimes it looks like they are not working up there and they do things such as soil stabilization and they have to wait for that to cure. These are built in breaks, where they will not be working there. However, those are scheduled. There are other times where Ohio Edison might have to come in and do some work and the road crew can not be there when Ohio Edison is there. If you see them not working, that is probably planned and it is part of the process. They are ahead of schedule. That will be a great intersection when it is finally done. It is a great inconvenience right now, but we will be glad when it's done.

I would like to make a few public service announcements that are somewhat out of the ordinary. I want to remind everyone that we are still kind of rural out here and there is still a lot of deer. I read the police reports and I want to remind you to be careful. We continue to have a lot of incidents with motor vehicles running into deer or our Service Department being called to remove them. I just wanted to remind you to be careful and to please keep that in mind as you're driving around this time of year.

It has also been brought to our attention, by a few people asking, that I remind everyone that when you are displaying the American Flag, please make sure that they are in good condition. If they do get ragged and tattered, please take them down and take them to the VFW. They can dispose of them properly. It is disrespectful if the American Flag is being displayed in poor condition. Lastly, I would like to wish everyone a safe and happy Thanksgiving.

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

- **Safety-Service Director:**

Safety-Service Director Johnson: Thank you, Mr. President. I just want to caution the residents with this long holiday weekend coming to please be careful driving as there will be people in town that aren't familiar with our roads and we have had three traffic fatalities here recently, let's not have another.

It will be helpful if we can get T 165 passed tonight. It does not need the emergency. I will discuss this ordinance in detail once we get to it on the agenda this evening. 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. Section 1444.17 (d) of the North Ridgeville Codified Ordinances reads within forty five days, weather permitting, after approval of final grade, the owner will seed and mulch all bare soil. Passage of T 161-2006 on Council's agenda, will change that time period from forty five days to twenty one days. The second sentence of that code section reads that in the meantime, appropriate methods must be utilized by the owner to control erosion, such as bails of straw, straw mulch, and other approved methods. Because of the work load in the Engineering Department, we have not been rigidly enforcing these requirements. That has now ended and we will be enforcing this ordinance section, especially the second part. Engineering Department has started sending letters to property owners in order for the City to comply with the requirements of the Ohio EPA. The object is to keep silt and other debris out of the storm sewers, ditches and streams. Letters will continue to be sent as we make time to do so. We do not want to cause any undo hardship to any property owner, but the City must make a serious effort to stop these potentially alarming erosion problems. This will not only help our Service Department who would eventually have to clean the sewers, ditches and streams, but will also help the property owner retain their top soil.

Thank you and that concludes my report.

President Arndt: Thank you, Mr. Griffith. We now move to our comments by our Auditor, Mr. Costin.

• **Auditor:**

Auditor Chris Costin: Thank you. Mr. Chairman, all I have this evening is the Auditor's written report for October and request passage.

Auditor's Written Report for October 2006

 moved by Butkowski, seconded by Boose to approve the Auditor's written report for the month of October, 2006

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

 Yes, 7 No, 0

Auditor Chris Costin: I do have one comment. We are getting close to the end of the year.

President Arndt: Thank you, Mr. Costin. Dr. Norris, if you will continue on with our other reports.

APPLICANT: Donald R. Mould, Mould Development LLC, 9449 Island Road
OWNER: Mould Development LLC, 9449 Island Road
REQUEST: Approval to construct a new retail facility
LOCATION: 32991 Lorain Road in an R-1 District, currently requesting a zoning change to a B-4 District
Permanent Parcel No. 07-00-003-102-050

PC ACTION: Approved by a vote of five to zero with condition that Council approves this parcel to be rezoned

 moved by Jaenke, seconded by Olesen to accept the Planning Commission action to approve the construction of a new retail facility

President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, again just to bring Council and the audience up to date.

This will be built where the two old houses were and next to the turnpike entrance on Lorain.

The real plus is that we are making headway to enhance the Lorain corridor. Getting off of 480

at that point, you are in North Ridgeville, therefore, this will be a real plus for this particular area.

The building itself will be of brick construction and the Planning Commission did have an opportunity to see the front inside elevations and it will be done very tastefully.

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

 Yes, 7 No, 0

Clerk of Council Norris: Report is approved.

APPLICANT: Gary Chand, Azac Properties, LTD, 21150 Indian Hollow Road, Wellington, Ohio 44090

OWNER: Azac Properties, LTD, 21150 Indian Hollow Road, Wellington, Ohio 44090

REQUEST: Approval to develop and construct a self storage facility

LOCATION: Race Road, South of Center Ridge Road, and North of the Ohio Turnpike in an I-2 District
 Permanent Parcel No. 07-00-039-000-077

PC ACTION: Approved by a vote a five to zero.

 moved by Jaenke, seconded by Olesen to accept the Planning Commission action for the approval to develop and construct a self storage facility

President Arndt: Is there any discussion, Mr. Jaenke?

Council Member Jaenke: Yes, this facility was approved by Planning Commission two years ago and for whatever reason the developer was not in position to move ahead with construction. At this point, he will be starting construction in the Spring. The front building is very well done, with a combination of brick and so forth. The developer also agreed that the residential property to the north of this particular parcel will be mounded with proper landscaping. The zoning on this, of course, is industrial and we all know that this type of facility is permitted in industrial zoning.

President Arndt: Any other discussion?

Council Member Butkowski: Mr. Chairman, while I would rather see something a little different within an industrial district, I'm glad to see that they are putting these self storage units in the industrial district; away from where many homes are located.

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

 Yes, 7 No, 0

Clerk of Council Norris: Report is approved.

APPLICANT: Joseph E. Almady, Forest City Land Group, 50 Public Square, Suite
 1050, Cleveland, Ohio 44113
OWNER: Sugar Chestnut, LLC, c/o Forest City Land Group, 50 Public Square,
 Suite 1050, Cleveland, Ohio 44113
REQUEST: Final plat approval for Waterbury, Subdivision 9, Phase 9
LOCATION: South of Shady Drive and East of Terrell Drive in Waterbury PCD
 Permanent Parcel No. 07-00-035-102-100 and 07-00-035-102-024
PC ACTION: Approved by a vote of five to zero.
 moved by Jaenke, seconded by Olesen to accept the Planning Commission action
 regarding the final plat approval for Waterbury, Subdivision 9, Phase 9

President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, again to bring everyone up to date. What Forest City is planning is to actually construct the street, which will be Waterbury Boulevard from Sugar Ridge going south. This will give the residents another access out of Waterbury, which will certainly help the traffic situation. In addition, the intersection on Sugar Ridge will be expanded by Forest City to create some turning lanes into the Waterbury Subdivision. The curve that is currently there will be straightened out to some degree. That will help the overall traffic even on Sugar Ridge. There was some discussion about some of the property that potentially could be used for a school site and also there was some discussion that perhaps Forest City might be generous enough to donate some land for Shady Park. Those two items are in discussion for the future. At least Forest City knows where the City is in terms of their request and also the School Board.

President Arndt: Thank you, Mr. Jaenke. Before we do take a vote, the Chair requests that the Clerk complete the last two sentences of that particular applicant request found on page 4.

Clerk of Council Norris: Permanent Parcel No. 07-00-035-102-100 and 07-00-035-102-024
Planning Commission approved by a vote of five to zero.

President Arndt: Is there any other discussion?

Council Member Boose: Forest City and the City have been talking for some time about some potential land that is already adjacent to the Shady Drive Complex, that might be able to be added to that complex. I'm glad that those talks are continuing. They will be taking out the current Shady Drive, which goes from Sugar Ridge to the curve and replacing it with this new road and my hope would be that, that construction would take place either before or after the baseball season, so that it doesn't get involved with all the traffic that goes in and out of there, because we want to make sure that during the busy season of May through July, that there is at least two egresses into the park that will not cause any problems.

Council Member Butkowski: While we are talking about that drive that is coming in and out, that is going to greatly increase the traffic onto Sugar Ridge, which is greatly going to increase the danger at Sugar Ridge and Route 83. Since they are heavily impacting this, I would hope that the Forest City Group would consider donating some money toward the traffic light this is desperately needed there. I would hope that could be a discussion that is held immediately, so that we can get started on that. I had to drive out of there tonight and it is just not safe.

President Arndt: Thank you, Mrs. Butkowski. Is there any other discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Report is approved.

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.

PC ACTION: Recommended approval by a vote of five to zero.
 moved by Jaenke, seconded by Olesen to accept the Planning Commission action for T
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President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, this is the same parcel that I just talked about a few
minutes ago. There will have to be some rezoning in order for this building to be constructed.

President Arndt: Anyone else have a comment?

Council Member Olesen: Mr. President. The only comment I have is that this is a very positive
report from Planning Commission and it is what we have all been working towards and what we
have to continue working hard towards.

President Arndt: Thank you, Mr. Olesen. Is there anyone else? All those in favor signify by yes.
All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: Report is approved.

President Arndt: We now move onto our Finance Committee Reports. Dr. Norris if you will
begin with the first of the Reports.

COUNCIL COMMITTEE REPORTS:

Clerk of Council Norris: We have two Finance Committee Reports before Council this evening
and the first is:

1) FINANCE COMMITTEE REPORT #5594 Members of Council: We have considered the
matter of hiring an Economic Developer and recommend that this request be approved and
proper legislation be drawn authorizing funding of an Economic Developer at a cost of \$54,000
for hiring O.M. Public Sector Solutions.

Signed: Member Jaenke, Member Boose voting no and Chairperson Manning.

 moved by Manning, seconded by Jaenke to accept the Finance Committee Report #5594

President Arndt: Is there any discussion?

Council Member Manning: Yes, Mr. President. This City Council has been very diligent about
wanting to hire an Economic Development Director and I believe, between the Administration

Committee and the Finance Committee, we have met with the Public Sector Solutions approximately four times. We were pretty pleased with Mr. Bill West. He is the CEO of Public Sector Solutions and seems very knowledgeable about North Ridgeville. We are pretty happy with some of his suggestions and we feel that because of going with a group like this, they would give us the opportunity to meet with a group of people that have resources they could get up and running right away. The cost would be approximately 4,500 dollars per month. We felt that this was a good solution, at least, for the immediate time.

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

Council Member Butkowski: Mr. Chairman. I attended one of the meetings with them. While I can understand the need for an Economic Development Director as well as some economic development in our City, I haven't seen in black and white what exactly they will do. They have given us a book that just has fluff in it as far as I'm concerned. They haven't told us directly exactly what they are going to do for the 54,000 dollars that they are going to charge us for a year. I haven't seen a marketing plan for this City and I would think, as professional as this company is, they should have some kind of definite marketing plan down in black and white for us to see and judge them by this over the years to see if they are doing a good job or not. They are a real estate firm and I have some qualms about how open they will be with an individual who may have their property listed with another real estate firm. They will have to work together with selling that. My main concern is receiving some kind of marketing plan for this City in black and white and I would like to see this before we get legislation.

President Arndt: Thank you, Mrs. Butkowski. Is there anyone else?

Council Member Boose: Yes, Mr. President. I think we all have spoken over the last year about the need for an Economic Developer or an Economic Development Coordinator for the City of North Ridgeville. I have spoken with the Mayor and others on several other different occasions. The reason I voted no on this particular issue was that this was the only choice that was brought before the committee to consider. The Mayor had proposed some potential job descriptions of a Economic Developer and I did do some research on my own. However, O.M. Public Sector Solutions was the only organization that we were able to consider. We didn't have this project go out for bid. We didn't solicit any Economic Developers per say or individuals for this position. I can't sit here and tell you that this is the best solution because it is the only solution that we were offered. It would be nice to have different choices. I don't have any issue with the comments regarding the comments made by Mrs. Manning regarding this company's qualifications. They do have resources available and they can get going right away. They did comment during the committee meeting that it would take them between three to nine months to get a program set up. They are not from North Ridgeville, so they do not know North Ridgeville intimately. However, with the resources behind them, they should be able to come up with a program to address the dire economic situations that we have here. It would be nice to know what criteria will the City judge them on throughout the process in order to consider them successful or not successful. However, having said all of that I am going to be voting in favor of this because this City does need an Economic Development Coordinator or an Economic Development Department and we need it now. We can't wait any longer. To wait longer will jeopardize the available property for development to go somewhere else; for other companies that are looking for business growth within our immediate area to go somewhere else and we

can't afford to do that. Although, I wish there were more alternatives, we need to do something now, so I will be in favor of it.

President Arndt: Thank you, Mr. Boose. Mrs. Buescher?

Council Member Buescher: I think that the majority of Council has been reluctant to create a new position for the Economic Development Director and we feel that this is an opportunity, which gives us a better chance because once you create a position, you would *only have difficulty* doing away with that position. This group will allow us the action of removing it should we find that this group is not doing the job that we are hoping they are doing. So, we have that opportunity to change our minds any where along the way. I think it is just a 30 day out. There are some questions. However, we would have the questions on how much good their affect will be, whether we hired a particular Economic Development Director or hired this company. I think that this is our best choice at this point to give this group a chance.

Council Member Jaenke: Mr. President, I would also like to make a comment as well. In my mind, this is a tremendous first start. It is my understanding, as I sat through the various meetings, is that they will inventory all the properties within the City. They will review our Master Plan and come up with recommendations for improvement. They will be developing a marketing program. Obviously, they are not in a position to develop a marketing program without a contract. Once we sign a contract, then it will be from three to six months where we will see a marketing plan. At that time, it will be up to Council and Administration, to decide which pieces of that plan will be accepted, changed or rejected. This is an opportunity that we have a professional company that, true they are in the real estate business, they are also developers. They lease property. They build buildings, so they are a multi-functional company other than just real estate. The thing that impressed me was that Mr. West has a lot of contacts. He knows a lot of people. I think that he will be in a position to really sell North Ridgeville because of the contacts that he has. He is a real professional. Again, in my mind, this is a tremendous first start.

President Arndt: Thank you, Mr. Jaenke. We'll wrap things up with the last Council Person to speak, Mr. Olesen?

Council Member Olesen: The only thing I would like to add, as everyone covered this pretty well and that is that I was very impressed with this group. When you talk to a company that has four people in a marketing department alone, they're going to give you a lot of help. I think most important is the fact that if you were to hire an individual for this position, the position would be advertised at any where from 55,000 to 75,000 dollars a year. By hiring this group instead of hiring a full time position, the cost is much more economical because we don't have to pay for their benefits, purchase a car, or pay travel allowance. A full time position has been estimated to cost up to 150,000 dollars per year. By hiring this company, we are only paying 54,000 dollars. I believe that the difference in the cost alone is a plus.

President Arndt: Any other discussion? Just for clarification, we have a motion by Mrs. Manning and a second by Mr. Jaenke to accept the Finance Committee Report #5594. Will the Clerk please take roll.

Yes, 7 No, 0

Clerk of Council: Motion is approved by a vote of seven to zero.

2) FINANCE COMMITTEE REPORT #5595 Members of Council: We have considered the matter of hiring an employee in the Service Department and recommend that this request be approved and proper legislation be drawn authorizing the hiring of another laborer in the Service Department.

Signed: Members Jaenke and Boose and Chairperson Manning.

 moved by Boose, seconded by Manning to accept the Finance Committee Report #5595
President Arndt: Is there any discussion?

Council Member Manning: Yes, Mr. President. Mr. Rangus came and spoke to us regarding this. He stated that a high paying employee had retired and because of that, he replaced him with an entry-level employee and wanted to use the rest of the money to hire a second employee, which would cost three dollars and sixty five cents more per hour for the second employee. He certainly convinced us that there is a real need for another laborer. Therefore, we gave him our approval.

Council Member Boose: Mr. President, Mr. Rangus came to the appropriations earlier this Spring along with all the other departments and I specifically asked him at that time if he needed more employees. His response was that he did need more employees. However, he didn't have the equipment to keep them properly working and doing the greatest good for the dollar that we pay them. Therefore, he was hesitant at that time. Now he has the equipment and he is now asking for that employee. Normally, I would not be in favor of hiring additional employees outside of appropriations in order to consider all of the different department's needs at the same time. However, it was considered at appropriations earlier this Spring and because of the need and all of the things that need to be done in this department, I am very much in favor of this new hire. I recommend Council's approval.

President Arndt: Any other discussion?

Council Member Butkowski: Mr. Chairman, going into the snowy season, I think that we will need; with all the additional roads, another employee. I think last year alone, we added sixty miles of road. I believe we do need this employee.

Mayor Gillock: Mr. President, just to add a little bit to what Council Member Manning was putting forth, Barry Barnett, one of our long term employees retired. He was a heavy equipment operator. During the last year, we addressed our flooding needs. When this Administration came in, we had a half of a person paid out of surface drainage to address flooding issues. We now have two full time people working on that alone. Those people came out of our labor ranks within the Service Department. In a sense, we are not necessarily adding more man hours to that labor position. We are actually trying to catch up. We are doing more in the ditching area. With Barry retiring, it gave us an opportunity to address those needs without spending a lot of money. This person is definitely needed. It helps us continue our snow plowing efforts, our other service efforts and continue our flooding program that we are working very hard on. We appreciate your consideration.

President Arndt: Thank you, Mr. Mayor. Again, to clarify, we have a motion by Mr. Boose, a second by Mrs. Manning to accept the Finance Committee Report #5595. Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

 Yes, 7 No, 0

Council Member Buescher: Mr. President, I believe that finance report is number 5634.

Council Member Boose: It is report number 5595. However, it is incorrectly reported in the packet.

President Arndt: I did say 5595.

Council Member Butkowski: Mr. Chairman, it was changed from the one that was in the packet.

President Arndt: For the record, it is 5595 that we voted on. Thank you. We have two pieces of correspondence tonight and if Dr. Norris will read the first please.

CORRESPONDENCE:

Clerk of Council Norris: Two items of correspondence this evening:

1) Received a letter from Safety-Service Director Denny Johnson requesting Council to remove T 160-2006 from the agenda noting that this issue has been re-evaluated and a revised request will be presented to Council in the future.

President Arndt: The Chair so directs.

2) Received a letter from Service Department Superintendent Chris Rangus expressing his concerns regarding the condition of the fleet of plow trucks.

President Arndt: That concludes our correspondence and we have no new business. We will now move onto the Audience Participation section of our meeting.

AUDIENCE PARTICIPATION (Lobby):

President Arndt: Any member of our audience is invited to address your City Council or the Mayor if you so choose. We request that you fill out the lobby form that you can find in the back of the room and please come forward and approach the podium that is immediately to the right of Mrs. Buescher. When you come forward, please clearly and slowly state your name and your address and limit your comments to three minutes. The lobby is now open.

1) Leo L. Pitts, part owner of property located at 34953 and 34941; residing at 39797 Butternut Ridge Road, Carlisle Township expressed his concerns relating to the comment made by the Mayor regarding the problems with the deer and suggested that the City allow bow and arrow hunting to get rid of the deer problem.

Mayor Gillock: Mr. President, the gentleman has stated a few good points and we have talked about this before. I would not be adverse to have this referred to Committee to review it again. This subject comes up every four or five years. I do know that the Police Chief will weigh in on this subject and I would suggest that the Safety Committee would be the appropriate Committee for this to be referred to.

President Arndt: THE CHAIR REFERS THIS SUBJECT TO THE SAFETY COMMITTEE.

President Arndt: Is there anyone else in the audience that would choose to address your City

Council?

Council Member Olesen: Mr. President, I would just like to add to the comments made by Mr. Pitts. I know two people who will attend that meeting as I have received calls asking why we don't allow it. I think this is something we need to consider carefully at this point.

President Arndt: Thank you, Mr. Olesen. Anyone else?

 moved by Arndt, seconded by Butkowski to suspend our By-Laws tonight to dispense with our recess

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

President Arndt: We will now move right into our ordinances and resolution submittals.

ORDINANCES AND RESOLUTIONS:

Clerk of Council Norris:

• **Ordinances & Resolutions Submittals**

T 163-2006 AN ORDINANCE AMENDING NRCO CHAPTER 858, RUMMAGE SALES.

T 164-2006 ~~AN ORDINANCE ESTABLISHING THE SALARY FOR THE JOB POSITION~~
~~OF RECYCLING COORDINATOR~~ AMENDING NRCO SECTION 1286.04
SIGNS AND CHAPTER 1272 B-5 ARCHITECTURAL BUSINESS DISTRICT
AT SECTION 1272.03 REQUIREMENTS IN ORDER TO DEFINE
STANDARDS AND RESTRICTIONS APPLICABLE TO SIGNS IN B-5
ARCHITECTURAL BUSINESS DISTRICTS..

President Arndt: THE CHAIR REFERS THIS TO BUILDING AND LANDS

 moved by Arndt, seconded by Butkowski to amend T 165 by substitution

President Arndt: Is there any discussion?

Safety-Service Director Johnson: Mr. President. In the change here from the old version to the new one, the effective date was inadvertently left out. I would like to see at the very end of section one, the words effective 1-1-06 added.

Law Director Crites: If I may Denny, the ordinance that was passed creating the position and I don't have that in front of me, did it not have the effective date in it?

Mayor Gillock: No, the original ordinance that was passed, left out the effective date and the amount of compensation. We submitted T 165 with substitution with those two sections. There is another amendment and I don't know why this one came, but it does not have an effective date

in it.

Law Director Crites: If I can speak briefly. It was brought to my attention this afternoon that the reason that this is being amended by substitution is for one reason and one reason only. As a matter of procedure, it is preferable to keep the creation of the position and the compensation in two separate ordinances. Maybe Mr. Costin would like to comment on that. That is all we are doing here. Rather than amending the ordinance which created the position to include the compensation in it, we are simply doing it in a manner which is more consistent with the manner it has been done throughout the City, where the position is created by one ordinance and then compensation is completed by another.

Safety-Service Director Johnson: We are just trying to avoid coming back a third time.

Law Director Crites: Not to interrupt him, but I believe he has motioned to amend and if this is a subsidiary motion, maybe it can be entertained after the motion to amend by substitution has passed. Possibly treat it as a separate motion.

President Arndt: I would treat it as a separate motion if someone is prepared to do that. Before we do that, did I hear the effective date to be 1-1-06 or is that 1-1-07?

Safety-Service Director Johnson: 06.

Council Member Buescher: Is it retroactive?

Mayor Gillock: Yes, we discussed this during appropriations. It was our intent all along to make it effective this year.

 moved by Arndt, seconded by Jaenke to amend T 165 section one, to add at the end of the sentence, shall be paid from the appropriate fund effective 1-1-06

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, I don't have an issue creating the position or the salary, but I do have a problem having this be retroactive to the first of the year and pay a salary for something that didn't exist prior to it being created.

President Arndt: Is there any other discussion? There being none, will the Clerk please take roll. This is getting out of hand and I am going to take control here. Is there some discussion, Mr. Olesen?

Council Member Olesen: I would just like to add that he has been doing this job for some time and has not been compensated for it.

Mayor Gillock: The only other thing I would add is that we discussed doing this during the appropriations and I really wouldn't want to punish him because the Administration took this long to get this legislation brought forward. It is our intent to pay him for this year.

President Arndt: Is there any other discussion? I will clarify the motion on the floor. It has been moved by Arndt, seconded by Mr. Jaenke to add under section one at the end of the sentence, effective 1-1-06. Will the Clerk please take roll?

 Yes, 6 No, 1 (Boose)

Clerk of Council Norris: Motion is approved by a vote of six to one.

President Arndt: In addition, we have a motion on the floor by Arndt and a second by Mrs. Butkowski to amend by substitution tonight with the change just noted T 165. Is there any discussion?

Council Member Butkowski: Mr. Chairman, I just wanted to add to what Mr. Olesen said. This position, although we haven't had it under ordinance, has existed for quite a while and he has

been doing this job. He is just now being compensated. This job has increased over the years and he has always done a very good active job and it has brought a lot of money into the City doing this. I don't have a problem making this retroactive, because it is not just starting now. Council Member Boose: Mr. President, I have no issue with the person that has been doing this job. I have no issue with the money that he has helped bring into the City due to the grants and such that he has helped bring in through the environmental monies and grants, it is just that the position didn't legally begin until today upon passage and that is my only issue. It has nothing to do with the person or the job he is doing.

President Arndt: Thank you, Mr. Boose. Will the Clerk please take roll.

Yes, 6 No, 1 (Boose)

Clerk of Council Norris: Motion is approved by a vote of six to one.

**T 165-2006 AN ORDINANCE AMENDING ORDINANCE 4338-2006 WHICH CREATED
THE JOB POSITION OF RECYCLING COORDINATOR.**

moved by Olesen, seconded by Buescher to suspend the By-Laws tonight to give T 165
its first reading

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

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved.

• **First Readings**

President Arndt: T 160 is being withdrawn from the meeting at the request of the Safety-Service Director. Will the Clerk please read beginning with T 161.

Clerk of Council Norris: First readings before Council this evening include:

**T 161-2006 AN ORDINANCE AMENDING NRCO SECTION 1444.17 GRADING PLAN
APPROVAL PRIOR TO BUILDING PERMIT ISSUANCE; SEEDING AND
MULCHING; CONFLICT OF LAWS.**

First Reading

**T 166-2006 AN ORDINANCE AMENDING NRCO SECTION 618.03 NUISANCE
CONDITIONS PROHIBITED.**

First Reading

**T 165-2006 AN ORDINANCE ESTABLISHING THE SALARY FOR THE JOB POSITION
4339-2006 OF RECYCLING COORDINATOR.**

First Reading

moved by Olesen, seconded by Jaenke to dispense with the second and third
reading tonight on T 165

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

Yes, 7 No, 0

 moved by Olesen, seconded by Butkowski to adopt T 165

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

Yes, 6 No, 1 (Boose)

Clerk of Council Norris: T 165 is adopted by a vote of six to one and becomes permanent ordinance 4339-2006.

 Permanent Ordinance No. 4339-2006

President Arndt: That completes our first readings. We'll begin with our second readings.

• **Second Readings**

Clerk of Council Norris: Second readings before Council this evening:

T 155-2006 AN ORDINANCE AMENDING ORDINANCE 3994-2003 SPECIAL
DEVELOPMENT DISTRICT AND THE CORRESPONDING MAP.
Second Reading

T 156-2006 AN ORDINANCE ACCEPTING CERTAIN STREETS IN RIDGEFIELD
SUBDIVISION NO. 7, AND DEDICATING THEM FOR PUBLIC PURPOSES.
Second Reading

 moved by Arndt, seconded by Olesen to amend T 157 tonight by substitution

President Arndt: Is there any discussion?

Council Member Boose: Mr. President. Can we assume that the changes are the cross overs that we see in the amended version?

President Arndt: That is correct. It is my understanding that it is simply name changes only.

There is nothing substantive to the changes and we will still hold a public hearing on December 4. Any other discussion? All those in favor signify by yes. All those opposed by no? Any abstentions?

Yes, 7 No, 0

President Arndt: Dr. Norris, if you will now please read T 157

T 157-2006 AN ORDINANCE APPROVING THE FINAL PLAT OF WATERBURY
SUBDIVISION NO. 3A, BLOCK K, TO BE KNOWN AS WHEATON PLACE
FOR RECORDING PURPOSES ONLY.
Second Reading

President Arndt: THE CHAIR REFERS THIS TO PLANNING COMMISSION. That concludes our second readings and we will now move to our third readings of the night beginning with T 94.

• **Third Readings**

Clerk of Council Norris:

Clerk of Council Norris: T 130 is adopted becoming permanent ordinance number 4342-2006
Permanent Ordinance No. 4342-2006

T 138-2006 AN ORDINANCE APPROVING THE FINAL PLAT OF WINDSOR POINT
4343-2006 SUBDIVISION NO. 5 FOR RECORDING PURPOSES ONLY.

Third Reading

moved by Olesen, seconded by Jaenke to adopt tonight T 138

President Arndt: Is there any discussion?

Council Member Butkowski: Mr. Chairman, we have a lot of flooding problems in this development. Have they been solved?

President Arndt: Where would you like that question directed?

Council Member Butkowski: Anyone that can answer it, but I would imagine the Engineer.

Engineer Griffith: There are still some forma drain problems that we are still addressing.

Council Member Butkowski: Then I would suggest that we don't pass this and get those things solved. It is going into Winter now and we are probably not going to flood this Winter, but next Spring, I don't want this room filled with people that have flooded. We have had these problems and this is the way to get them to solve their problems.

President Arndt: Mr. Engineer, you had mentioned that there is still some pending issues. What kind of time line can we expect on that? What can we do to hold them accountable?

Engineer Griffith: I have to plead a little guilty myself for how long it has taken to address this because we just haven't been able to keep on top of it like we would like to. In my opinion, the problems that still exist, are not major. They are still problems that do still need to be addressed. They are primarily problems that have to do with the way the forma drain is installed. Because of a meeting we had with the developer, we went back to the manufacturer and they ended up coming back with different guidelines on how their products should be installed. These guidelines were different than what they previously were and we would like to have the adjustments made to conform to the new installation guidelines.

President Arndt: Again, for clarification for many of us, what is it that we might be able to do to hold them accountable to make those adjustments as per manufacturing requirements.

Engineer Griffith: I don't know the answer to that one. I would have to defer that question to the Law Director.

Law Director Crites: I would suggest that, that is most appropriately done through the inspection process and the permitting process. Understanding the limitations on our staff and the demands placed upon it, there are only so many people around to do it. Assuming that would be the screening process, that would be the most appropriate time. The approval of this legislation only approves the final plat for recording. The enforcement would be best addressed when they actually come in to do the building, when they have that footer completed and are asking for a permit. When they are getting the inspection by the engineers, it would be then on an independent build basis that it would be best policed, for lack of a better word. Other than aggravating the developer, I don't know how that would help us to not pass this at all.

Mayor Gillock: I do think that we need to point out that this is an ordinance for approving the plat for recording purposes only. Those houses are already built and are there. It is not like we can stop them from building. The subdivision is done.

Council Member Butkowski: It is an inconvenience for them if we don't pass and it would just make a point that these people that flooded were really inconvenienced. Maybe we could hold

off for a couple of weeks and see what is happening. Maybe by then we could get a report back to see what is happening. We should be keeping up on this because that was a major problem down there for many people. I would just hate to see that happening again.

Council Member Jaenke: Mr. President, again, our Law Director commented that all we're doing here is approving for recording only. To wait two weeks, two months or six months is not going to solve the problem, because this is just a routine type ordinance. If we don't pass it, that won't really hold the developer up in any way. As the Mayor indicated, the houses are built. If it is an inspection problem than that is another issue. However, all we are doing here is passing this for recording only. It doesn't make any sense that we should delay this.

Council Member Boose: Mr. President, just for clarification for myself as I want to make sure that I understood the City Engineer properly. In section two of this ordinance, it indicates that the City Engineer has reviewed the site plan and plat and together with other necessary officials authorizes to approve the necessary plat documents showing compliance with engineering requirements and applicable North Ridgeville Codified Ordinances. Are you saying that these homes built do meet all current ordinances or did I hear you say they don't and we're trying to make them meet those ordinances.

Engineer Griffith: At the time they were constructed the forma drain was installed per the manufacturers instructions and requirements.

Council Member Boose: And our ordinances?

Engineer Griffith: Yes, but it has been subsequently found by the manufacturer that their installation and instructions were not correct. That is what we are trying to get resolved.

Council Member Boose: Our ordinances are being met. There was a change being requested in the way these are being installed, which has nothing to do with our ordinances being complied with properly.

Engineer Griffith: Other than the fact that we require products be installed per the manufacturer's requirements, which they initially were.

Mayor Gillock : A forma drain is a gray plastic box that acts as part of the foundation for drainage as well as forms the foundation and they were installed according to the manufacturer's directions. We had some complaints because of the August 20, 2005 flooding event. We met with the manufacturer. We met with the developer and we discussed our concerns with the way they were installed. We continued to work with them. The manufacturer subsequent to that changed some of their guidelines. What Larry is saying is that we want the developer to address those changes. They have complied with the ordinances. They have complied with the manufacturer's directions when they installed. This is just part of our continuing effort to address flooding. We also have an ordinance that is working it's way through to do away with the water pumps. Now those were legal when they were put in. So, you can't go back and say you're now violating the law and hold the guy guilty when what they did at the time was right. We do continue to work with them on this situation. They have been cooperative. There are still some issues that we want to address. It really isn't a matter of complying with our ordinance. It is a matter of complying with the manufacturer's guidelines, which our ordinance requires them to do.

Council Member Boose: I'm not an Engineer and if the Engineer is stating that section two is correct, then legally, I would have to agree with the Law Director and Mr. Jaenke in that I don't

see any reason why we would not pass this because everything in this ordinance is being met legally.

Safety-Service Director Johnson: I would just like to add that those of you who saw a lot of people in here after August 20, most of those issues have been resolved. There is only a handful of issues left and they are working with us on it. It will get resolved.

President Arndt: Thank you, Mr. Johnson. For clarification purposes everyone, we have a motion on the floor by Mr. Olesen, seconded by Mr. Jaenke to adopt tonight T 138. Will the Clerk please take roll.

Yes, 5 No, 2 (Buescher, Butkowski)

Clerk of Council Norris: Motion is approved by a vote of five to two and T 138 becomes permanent ordinance number 4343-2006.

Permanent Ordinance Number 4343-2006

President Arndt: That concludes our third readings. We have no old business. We have a few announcements, Dr. Norris, if you will please.

UPCOMING MEETING ANNOUNCEMENTS:

Clerk of Council Norris: Upcoming meeting announcements include:

Next Regular Council Meeting Monday, December 4, 2006 at 7:30 P.M. in Council Chambers

Public Hearing to be held December 4, 2006 in Council Chambers The individual hearings beginning at 7:15 P.M. are as follows:

- 1) T 155-2006
- 2) T 161-2006

Public Hearing to be held December 4, 2006 at 7:20 P.M. in Council Chambers re: final plat of Waterbury Subdivision No. 3A, Block K.

President Arndt: One final comment on behalf of all of us on City Council and to echo the Mayor is that we wish everyone a safe holiday and Thanksgiving.

ADJOURN:

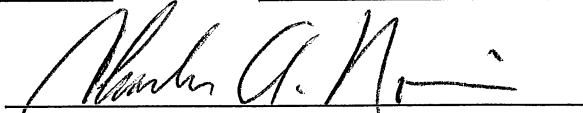
moved by Butkowski to adjourn

Meeting adjourned at 8:36 P.M.

MOTION Olesen 2ND Butkowski DATE December 4, 2006
as corrected on Page 9 December 4, 2006 and as corrected on Page 12 February 5, 2007

YES 7 NO 0 ABSTAIN 0


PRESIDENT OF COUNCIL DR. RONALD F. ARNDT


CLERK OF COUNCIL CHARLES A. NORRIS