

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING OCTOBER 18, 2010**

CALL TO ORDER: 7:30 P.M.

President Corcoran: I call to order the North Ridgeville City Council Meeting, Monday, October 18. Please rise for the invocation and the Pledge of Allegiance.

INVOCATION: led by President Corcoran

PLEDGE OF ALLEGIANCE: by all.

ROLL CALL:

Present were Council Members Nancy Buescher, Dennis Boose, Richard Jaenke, Robert Olesen, Roseanne Johnson and President Kevin Corcoran. Absent was Council Member Bernadine Butkowski.

Also present were Mayor David Gillock, Safety-Service Director Jeffry Armbruster, Law Director Andrew Crites, Auditor Chris Costin and Clerk of Council George Smith.

MINUTES:

Council Minutes of regular meeting October 4, 2010

President Corcoran: Are there any comments or corrections to those? Seeing none, those minutes are approved.

President Corcoran: Please note:

Civil Service Commission Minutes of regular meeting September 21, 2010 and Planning Commission Minutes of regular meeting October 12, 2010.

LOBBY:

President Corcoran: We are now at the lobby session of our meeting. This is your opportunity to talk to us. If you would like to tell us what is on your mind, please come up to the podium and state your name and address and you have three minutes to state your business. The lobby session is open.

1) Charles Fetterolf of 33007 Leafy Mill Lane spoke regarding a notice of violation he received for an 18 inch bush that is on his property line and was partially blocking the sidewalk. He stated that he didn't know he owned it since he didn't plant or buy it. He stated that the City did, but he trims that bush. He stated that he is in compliance, but if he wasn't in compliance, he would be subject to the penalty that was stated in that citation, which read that he could be fined or imprisoned. He stated that this was the first time he was notified. He provided Council with

pictures before and after to show that he is in compliance. He also provided pictures of potholes that are on Leafy Mill Street as the ordinance does deal with safety and asked that the Mayor and Safety Service Director fix the potholes. He stated that this is Council's 30 day notice and if it isn't done in 30 days, he will go to the County Prosecutor and request a warrant for their arrest. He also spoke regarding the lack of representation from his Ward Council Member. He stated that in 2006 the City wrongly allowed FEMA to put his home and other homes into a flood zone. He notified Council and received no action. He took steps further on his own and notified the proper authorities; under the federal guidelines, to have his home removed from the flood zone which cost him 600 dollars. He spoke regarding other neighbors that are in the flood zone that might not have the 600 dollars.

Council Member Olesen addressed President Corcoran and asked if he could respond.

President Corcoran asked Mr. Olesen to proceed.

Council Member Olesen stated that he is not notified when people get letters from FEMA. The City has no control over that. He stated that he had just learned in the last two weeks that someone filed complaints against a lot of residents on the north end of Mills Creek. He learned that some were cited for bad sidewalks and as Mr. Fetterolf said, for trees and bushes in the right of way, etc. To address this problem, he asked Guy Fursdon to attend the Homeowner's Association meeting, this Thursday, to discuss some of these issues. He stated that he does not make these citations and he does not hear about these citations. They go directly to the Building Department. He stated that he will occasionally get a call, which he will answer, but normally he does not hear about them. The only knowledge he had about this was that one resident sent him an email and he immediately contacted Mr. Fursdon. He stated that Mr. Blakely called him also and he arranged to be at the annual meeting of the Mills Creek Association to address some of these questions. He stated that if Mr. Fetterolf believes that he is the culprit in this, then he apologizes, but he is not the culprit, as he does not get involved with FEMA. He stated that he does not have any responsibility with FEMA. They don't tell him what they are doing. They send the City a map that shows all the houses that are in a flood zone.

Mayor Gillock stated that Mr. Fetterolf is correct. In 2007 FEMA did change the map, but the City doesn't control FEMA. They come to the City and they tell the City what they are going to do. At that time, the City made several announcements that this was happening. The announcements were placed in the newsletter and in the water bill. There was plenty of notice that advised residents of how and what they should be doing with that, but the City can't control it. FEMA is federal and they pretty much tell the City what they are going to do. He stated that they tried to get that information out there. In regards to the sidewalks and so forth, the City received 80 different complaints from a resident regarding sidewalk situations and other things like this. When the Building Department receives a complaint, they have an obligation to check it out. They just can't ignore it even though there were 80 some noted potential violations. He stated that if the letter is a little strong, he apologizes. He stated that they will look into, maybe, toning it down. He stated that when a notice of violation is received, they do want you to know what the specific penalties are which the Law Director could speak to. Under the law, those are the potential penalties. He stated that the City practice is that the resident is notified and if the

resident takes care of it, then the problem is addressed. That is what we want to do. We want to have safe sidewalks and visibility where people can see around corners and where they can get down sidewalks. Mr. Fursdon will be at the Homeowner's Association meeting on Thursday and can add a little bit more to this.

President Corcoran: Thank you. Is there anyone else that would like to address Council this evening?

2) Charles Fetterolf of 33007 Leafy Mill Lane spoke again to clarify that he was notified by the City regarding the FEMA action. That is who notified him and not FEMA directly. FEMA never got involved with him directly until he got involved with FEMA to correct the situation. As far as the action that was taken, he stated that if a certified letter could be received regarding this notice of violation than he certainly can be sent a letter ahead of time to explain the FEMA action in which he could be affected.

President Corcoran: Is there anybody else before we move on. Moving on then, to the Administrator's reports, Mr. Mayor.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you, Mr. President. As you mentioned Halloween is coming up and I just want to go over the date and time one more time. Trick-or-Treating will be Sunday, October 31 from 6:00 P.M. to 7:30 P.M. Normal practice is, that if you want to participate, then you would leave your porch light on so people know that you are there. If your house is all dark, then they should go on by. We hope you all will participate.

We received notice from the PUCO that there will be a hearing in regards to the all-electric home rates. They gave us an original date which we published and then they made a change. So, I want to make it clear that the hearing in North Ridgeville at the Education Center for the all-electric homes has been rescheduled for 6:00 P.M., Monday, November 22. That is Monday, November 22 at 6:00 P.M. at the Education Center which is located at 5490 Mills Creek Lane. If you have any other questions about the hearing, you can go online at www.puco.ohio.gov. You might want to watch that in case they change it again. As of now, it will be November 22.

The last thing I wanted to mention is that we are currently doing some repaving on Root Road if you haven't noticed it already. It began today at the intersection. They will be working out there all week and traffic will be maintained, but there will be delays. We are repaving Root Road from the intersection at Chestnut to the north side by Dr. Krone's house. If you know the house, it is the one with the goats. That is the worse part of the road. That is the part that we are

repaving. So, be careful going through there and if you have time, go around, but they will be out there all week. Thank you, Mr. President.

President Corcoran: Thank you, Mr. Gillock. Mr. Safety- Service Director.

B. Safety-Service Director:

Safety-Service Director Armbruster: Just a short report. Those of you that have driven Lorain Road today, we are not driving on the same side now. We are driving on either side and they are going to be fixing the lane to the east in the next few weeks. Be careful when you come through there. It is a straight shot now instead of you having to jiggle over to the right, if you are going toward Grafton or going toward Elyria and coming back, because the center of that road now is where it is going to be exposed. We look forward for that end of the project to be finished here in the next few weeks and hopefully as winter sets in, the other end gets completed too, as we go on towards Don Mould's corner. That concludes my report.

President Corcoran: Thank you, Mr. Armbruster. Mr. Auditor.

C. Engineer:

D. Auditor:

Auditor Costin: Thank you, Mr. Chairman. Two items of business and the first of which is the September financial report which Council members should have already received and the second item that I call your attention to is T 113-2010 under new business. Each year, about this time, we receive for Council certification, the tax rates for property taxes. We received this notification on September 30. I have indeed verified the rates and they are correct and I would request that Council consider passing this tonight with the emergency as it is required to be in place and back to the County by November 1. That concludes my report and my request.

President Corcoran: Thank you, Mr. Costin.

OTHER REPORTS:

President Corcoran: Please note:

Fire Department Report for September 2010;

Building Department Report for September 2010;

Mayor's Court Report for September 2010;

Public Water System Operation Report for September 2010; and

Police Department Support Car Report for September 2010.

COUNCIL COMMITTEE REPORTS:

President Corcoran: There are no Council Committee Reports.

CORRESPONDENCE:

President Corcoran: There is no correspondence to be noted by the Clerk.

OLD BUSINESS:

President Corcoran: Since there is no old business, we are moving on to new business.

NEW BUSINESS:

Ordinance and Resolution Submittals:

Clerk of Council Smith:

T 113-2010 RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS
 DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING
 THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE
 COUNTY AUDITOR.

 moved by Boose, seconded by Buescher to suspend the By-Laws to allow T 113 to have
 its first reading this evening

President Corcoran: Are there any comments or questions? All those in favor say yes. Those
opposed say no.

 Yes, 6 No, 0

President Corcoran: T 113 will have its first reading this evening. T 114.

Clerk of Council Smith:

T 114-2010 A RESOLUTION TO PROMOTE USING RECYCLING CONTAINERS
 THROUGHOUT THE ENTIRE CITY.

Mayor Gillock: Mr. President, I would like to make some comments, but I would ask that this
be referred to the Utilities Committee for discussion.

President Corcoran: Do you want to make your comments before I refer it?

Mayor Gillock: Sure. I brought this forward. We have Dave Kidder from Allied Waste here
with us this evening, if there are any specific questions, but he will be able to attend the
Committee meeting also. We are doing a pilot program, now, that appears to be working very
well. I believe this is the way of the future. I have been led to believe that the Lorain County
Solid Waste Committee will be reinstituting their grant program which will depend upon your
recycling. We do know that using the containers increases the recycling from about 40 to 80
percent and there are a lot of other good reasons to consider it. However, not everyone, I
believe, is totally in favor of it or understands it. I get a lot of questions from people asking
when we are going to start it. So, it is something we are looking at. Allied Waste came to us to
implement the program and would need to buy new trucks and they are at the point right now

where they need to be making some decisions about what trucks they will need to order for next year. I just thought it would make sense to bring this to Council for input before we make a decision; to see what your people are telling you and how you feel about the program and if we could have a Committee meeting and vote on this by the next meeting, November 1 or 2, and if we want to go ahead, to give them time to get the trucks ordered and if not, we can maintain the status quo. That is why I brought this forward, so that we could discuss this with all of you.

President Corcoran: The Chair will refer this to the Utilities Committee.

President Corcoran: That brings us to the recess.

RECESS:

 moved by Buescher, seconded by Johnson to dispense with the recess.

President Corcoran: All those in favor say yes. Those opposed say no.

 Yes, 6 No, 0

President Corcoran: Moving on to first readings. T 110.

FIRST READINGS:

Clerk of Council Smith:

T 110-2010 AN ORDINANCE AMENDING ORDINANCE NO. 4775-2010, WHICH
 AMENDED NRCO SECTION 1030.12, DUTIES OF PRIVATE OWNERS.
 First Reading

President Corcoran: T 113.

Clerk of Council Smith:

T 113-2010 RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS
1215-2010 DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING
 THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE
 COUNTY AUDITOR.

 First Reading

 moved by Boose, seconded by Buescher to dispense with the second and third
 readings this evening for T 113

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed
say no.

 Yes, 6 No, 0

 moved by Boose, seconded by Buescher to adopt

 moved by Boose, seconded by Buescher to add the emergency clause to meet the
November 1 deadline

President Corcoran: Are there any comments or questions about the emergency clause? All those in favor say yes. Those opposed say no.

Yes, 6 No, 0

President Corcoran: It was moved by Boose and seconded by Buescher to adopt T 113 with the emergency clause. Any comments or questions? Clerk, please call the roll.

Yes, 6 No, 0

Clerk of Council Smith: It passed with one absent.

President Corcoran: It becomes resolution number?

Clerk of Council Smith: Resolution number 1215-2010.

Permanent Resolution No. 1215-2010

President Corcoran: We have second readings. T 99.

SECOND READINGS:

Clerk of Council Smith:

T 99-2010 AN ORDINANCE ACCEPTING CERTAIN STREETS/IMPROVEMENTS
LOCATED IN THE WOODS OF STRADFORD SUBDIVISION AND
DEDICATING THEM FOR PUBLIC PURPOSES.
Second Reading

President Corcoran: T 100.

Clerk of Council Smith:

T 100-2010 AN ORDINANCE ACCEPTING CERTAIN STREETS/IMPROVEMENTS
LOCATED IN THE AVALON ESTATES SUBDIVISION NO. 1 AND
DEDICATING THEM FOR PUBLIC PURPOSES.
Second Reading

President Corcoran: T 101.

Clerk of Council Smith:

T 101-2010 AN ORDINANCE ACCEPTING CERTAIN STREETS/IMPROVEMENTS
LOCATED IN THE AVALON ESTATES SUBDIVISION NO. 2 AND
DEDICATING THEM FOR PUBLIC PURPOSES.
Second Reading

President Corcoran: T 102.

Clerk of Council Smith:

T 102-2010 AN ORDINANCE ACCEPTING CERTAIN STREETS/IMPROVEMENTS
LOCATED IN THE STONE CREEK ESTATES SUBDIVISION NO. 1 AND
DEDICATING THEM FOR PUBLIC PURPOSES.
Second Reading

President Corcoran: T 103.

Clerk of Council Smith:

T 103-2010 AN ORDINANCE ACCEPTING CERTAIN STREETS/IMPROVEMENTS
LOCATED IN THE STONE CREEK ESTATES SUBDIVISION NO. 2 AND
DEDICATING THEM FOR PUBLIC PURPOSES.

Second Reading

President Corcoran: T 104.

Clerk of Council Smith:

T 104-2010 AN ORDINANCE ACCEPTING CERTAIN STREETS/IMPROVEMENTS
LOCATED IN THE WINDSOR POINT SUBDIVISION NO. 1 AND
DEDICATING THEM FOR PUBLIC PURPOSES.

Second Reading

President Corcoran: T 105.

Clerk of Council Smith:

T 105-2010 AN ORDINANCE ACCEPTING CERTAIN STREETS/IMPROVEMENTS
LOCATED IN THE WINDSOR POINT SUBDIVISION NO. 2 AND
DEDICATING THEM FOR PUBLIC PURPOSES.

Second Reading

President Corcoran: That brings us to our third readings. T 93.

THIRD READINGS:

Clerk of Council Smith:

T 93-2010 AN ORDINANCE AMENDING NRCO SECTION 618.01 DOGS AND OTHER
4785-2010 ANIMALS RUNNING AT LARGE, ADDING LANGUAGE TO MAKE
CLEAR THE INTENT OF THE ORDINANCE.

Third Reading

moved by Olesen, seconded by Johnson to adopt T 93

President Corcoran: Are there any comments or questions? Clerk, please call the roll.

Yes, 6 No, 0

Clerk of Council Smith: Measure passed with one absent.

President Corcoran: It becomes ordinance number?

Clerk of Council Smith: Ordinance number 4785-2010.

Permanent Ordinance No. 4785-2010

President Corcoran: and T 108.

Clerk of Council Smith:

T 108-2010 AN ORDINANCE APPROVING THE FINAL PLAT OF PIONEER RIDGE
4786-2010 PHASE 8 IN WATERBURY PCD FOR RECORDING PURPOSES ONLY.

Third Reading

moved by Olesen, seconded by Johnson to adopt

President Corcoran: Any comments or questions? Clerk, please call the roll.

Yes, 6 No, 0

Clerk of Council Smith: Measure passed with one absent. That becomes ordinance 4786-2010.
Permanent Ordinance No. 4786-2010

COMMITTEE MEETING ANNOUNCEMENTS:

President Corcoran:

Special Council Meeting Wednesday, October 27, 2010 at 6:00 P.M. regarding the Quasar
project in Council Chambers

Next Regular Council Meeting Monday, November 1, 2010 at 7:30 P.M. in Council Chambers

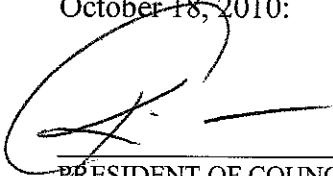
ADJOURNMENT:

President Corcoran: Seeing no other business to be brought before the City, the meeting is
adjourned.

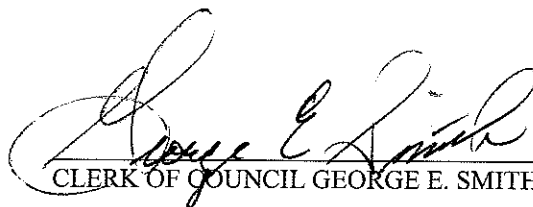
Meeting adjourned at 7: 53 P.M.

Approval of Minutes:

These Minutes were approved at a regular meeting of the North Ridgeville Municipal Council on
October 18, 2010:



PRESIDENT OF COUNCIL KEVIN CORCORAN



CLERK OF COUNCIL GEORGE E. SMITH