

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING OCTOBER 18, 2004**

CALL TO ORDER: 7:34 P.M.

President Ronald Arndt: The Chair calls to order the October 18, 2004 regular meeting of the North Ridgeville City Council. If you will all rise, please, for the Invocation and the Pledge.

INVOCATION: lead by President Arndt.

PLEDGE OF ALLEGIANCE: by all.

CALLING OF THE ROLL - ROLL CALL:

Present were Council Members Nancy Buescher, Allen 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 Clerk of Council Charles Norris.

President Arndt: Just a note that after audience participation, the Chair is going to call for a motion to go into Executive Session to discuss some litigation. Having said that, if the Clerk will please read our minutes.

MINUTES - Corrections (if any) and Approval:

Clerk of Council Norris: Council has before them the

Public Hearing minutes of October 4, 2004 regarding Mould preliminary plan in an SDD
moved by Butkowski, seconded by Olesen to approve

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: Also we have before us
Council Minutes of regular meeting held October 4, 2004

moved by Butkowski, seconded by Olesen to approve

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: Council, also please note:

Planning Commission Minutes of regular meeting held October 12, 2004.

MAYOR AND DIRECTORS REPORTS:

President Arndt: We now come to the Mayor and Director's reports and the Chair invites the Mayor and the Directors the opportunity to share their oral reports with Council. We would like to begin with the Mayor, Mr. Gillock, if you would please.

Mayor

Mayor Gillock: Thank you, Mr. President. I would like to inform Council that I have been appointed to the Ohio Public Works Commission Issue Two Integrating Committee for Lorain County. This is the board that reviews the request for Ohio Public Works Commission funds for the various municipalities; weighs and prioritizes those requests and awards the grants. Hopefully, this will help to assure we get our fair share of the funds that are allocated.

I did receive a letter from the Ohio Department of Transportation District Three Deputy Director in regards to the railroad overpass project on State Route 83. ODOT filed to appropriate one of the necessary properties to complete this project and the property owner filed an injunction to stop the appropriation process. Because of the injunction the anticipated bid opening date of January 12, 2005 is in jeopardy and could slip as much as one year. Hopefully this can be resolved without delay and we will keep you informed.

As you can tell, it's election time and campaign signs are popping up everywhere. Although our sign ordinance has been revised since last year, we still only allow one sign per issue or candidate per lot and more importantly, we want to ask the residents or property owners to please keep them back from the road where they might present a hazard visually or otherwise. Please remember property owners have control and are responsible for signs on their property.

On Saturday, October 9, several employees from Home Depot brought paints, tape, brushes, rollers, music, food and beverages to South Central Park where they joined several volunteers from North Ridgeville including boy and girl scouts, Rotarians, Explorers and others, but no Councilmen, although, two of them had good excuses. Dr. Arndt had surgery and Mr. Young was in California. All these various groups did help in sprucing up the park. The parking bumpers were painted as well as picnic tables, the pump house and so forth. The weather was great. We all had a good time and it was really appreciated and we look forward to working with them again in the near future.

I have placed an ordinance and resolution at your seats this evening and I would like to ask that these be added to the agenda under new ordinances and resolutions. One allows the administration to enter into a contract for a required study for the widening of Center Ridge Road and I'll speak more to that when it comes up for discussion. The other is in regards to an appeal to the Ohio Board of Tax Appeals regarding an apportionment of the local government funds and revenue assistant funds for next year, 2005. I would make a motion to suspend By-Laws to add

these two items to the agenda under resolutions and ordinances at this time.

 moved by Mayor Gillock, seconded by Young to include the two pieces of legislation as described under our ordinances and resolutions submittals

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

Mayor Gillock: Thank you. Would the Clerk please assign T numbers to those two items.

Clerk of Council Norris: The ordinance is T 124 and the resolution is T 125.

Mayor Gillock: Thank you. That concludes my report for this evening.

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

Safety-Service Director

Safety-Service Director Johnson: Thank you, Mr. President. Service crews today completed the first of two layers of pavement on Case Road from Burns Road to the City limits. The finished layer will be completed as weather and emergency demands allow.

To date, we've completed re-paving on Opal, Rhonda, Mildred, West Point, Main, Adele and Barres Roads. Major concrete pad replacements have been completed on Opal and Nicoll. If weather allows, we'll be paving Mills Road just west of Avon Belden, before the asphalt plants close for the season. It was an ambitious schedule but, our crews managed despite all the other demands on their time.

I'd also like to remind everyone that Halloween will be celebrated on October 31, 2004 this year from 6:00 P.M. to 7:30 P.M. and that concludes my report.

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

Engineer

Engineer Griffith: Thank you, Mr. President. Tonight, on the Storm Water line of reports: Clean water and waste water usage go hand-in-hand since the water we use is eventually recycled in some manner. Water usage in tank style toilets have received considerable press in recent years. At one time it was recommended you insert bricks, dams or water filled plastic containers in the toilet tanks to displace some of the water and thus reduce the water volume per flush. That process has been found to sometimes backfire with the inserted products working their way within the tank to the point where they obstruct the lever or flapper and cause continuous leakage into the bowl.

The Ohio Building Code requires all new toilets be 1.6 gallons or less per flush. Replacing a

toilet using five gallons per flush with a new toilet far exceeds anything you can do to modify your older existing toilet. For example, 20 flushes of an old five gallon toilets uses 100 gallons of fresh water and is equivalent to 62 flushes with the new toilets. In addition, the concern of flushing twice, like you sometimes have to do in the mens room downstairs by the Building and Engineering Departments, is no longer valid with the newer, updated designs. The replacement cost can be recouped in two or three years just from the water and sewage bill savings. And just think, if all the toilets were changed over, it would lift a huge burden on the water supply and waste water treatment of the city. Thank you.

President Arndt: Thank you, Mr. Griffith. That was a lovely report. Five gallons to 1.6 gallons is 62 flushes additional. That's great. Thank you. We now have the opportunity to hear an oral report from our Auditor.

Auditor

Auditor Costin: I'm sorry I don't have as much value to my report but, I'll try. Starting, I have a few comments. I'll start with the written report that Council has had available for your passage.

Auditor's Written Financial Report for September 2004

moved by Swindig, seconded by Butkowski to approve

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 Costin: First, the additional year. Through the course of the year we've issued various bond anticipation notes and historically when we've done that we've tried to line them up so as they become due for reissue we can issue several of them simultaneously. Accordingly, in the month of December and January we'll have approximately a little over nine million dollars of bond anticipation notes that will be due for reissue. So, I would like to alert Council that likely at the second meeting in November, we'll have the legislation for the issuance of the notes. We'll be adding no new notes but, the new issue for about 8.9 million dollars will be to replace the notes that mature in December and January. Accordingly as they're lined up, as we go to bonding, it makes it much easier for us and less costly to do so.

Next item is T 123-2004 which is on the agenda for tonight. I would request that Council consider passing that resolution with regard to our tax rates without the emergency. It would not need the emergency if it's passed tonight.

Also, on the agenda under second readings is T 119 and I would request that it continue with its second reading only. That concludes my report and my comments. Thank you.

President Arndt: Thank you, Mr. Costin. Will the Clerk please read our other reports.

Other Reports

Clerk of Council Norris:

Mayor's Court Operating Trust Fund/Bail Trust Fund Report for September 2004;

Fire Department Report for September 2004; and

Police Department Activity Report for September 2004.

Planning Commission Report of regular meeting October 12, 2004

APPLICANT: Bob L. Fortune, Trustee, 25617 Royalton Road, Columbia Station, OH
 44028

OWNER: Fields United Methodist Church, 34077 Lorain Road

REQUEST: Construct a Four-Bay Pole Building for Storage

LOCATION: 34077 Lorain Road in an R-1 District
 Permanent Parcel No. 07-00-011-103-036

PC ACTION: Approved 5-0

 moved by Jaenke, seconded by Olesen to approve the Planning Commission action to
 construct a four bay pole building for storage

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:

APPLICANT: Anthony Amine, AT&T Wireless - Fibertower, 27777 Franklin #300,
 Southfield, MI 48034

OWNER: Gilles Property Management Inc, P.O. Box 183, 7585 Race Road, Elyria,
 OH 44036

REQUEST: to add two (2) microwave dishes at 105 feet to existing tower along with
 one (1) equipment rack within existing AT&T Wireless Shelter

LOCATION: 7585 Race Road in an I-2 District
 Permanent Parcel No. 07-00-034-000-098

PC ACTION: APPROVED WITH CONDITIONS 5-0

 1). Review by a Specialist paid for by the Applicant and further
 review of codes by the Engineering and Building Departments

 moved by Jaenke, seconded by Olesen to approve the Planning Commission action to add
 two microwave dishes

President Arndt: Is there any discussion? Yes, Mr. Olesen?

Council Member Olesen: I have a question. I see this referred for review and my question is, at
the time cell towers came into existence, there was some talk about a medical affect on people or
possible ill affects and that was never substantiated by any studies. Has this ever been
substantiated that there is no physical affect on people who live in the vicinity of these
microwave towers.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING OCTOBER 18, 2004**

Page 6

Safety-Service Director Johnson: Mr. President, yes. The FCC has done some substantial investigation on it and there's nothing to report from that investigation. There is nothing that causes us any alarm.

President Arndt: Thank you, Mr. Johnson. 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:

APPLICANT: Harvest Classic Homes, 33488 Liberty Parkway
OWNER: Sugar Chestnut LLC, 1050 Terminal Tower, 50 Public Square, Cleveland, OH 44113
REQUEST: Final Approval for The Pines, Block K, Subdivision No. 3, in Waterbury PCD
LOCATION: Fronting Terrell Drive in Waterbury PCD
Permanent Parcel No. 07-00-035-102-096
PC ACTION: APPROVED WITH CONDITIONS 5-0
1). Eliminate the parking spaces from the two islands
2). Name of Pine Tree Street to be changed

moved by Jaenke, seconded by Olesen to approve the Planning Commission action, the final approval for The Pines, Block K, Subdivision No. 3, in Waterbury PCD

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:

APPLICANT: GPD Associates, Ameritech Wireless LLC, dba Cingular Wireless, Edward Block, 520 S. Main Street, Suite 2531, Akron, OH 44131
OWNER: FJD Properties, 37000 Center Ridge Road
REQUEST: Approval to construct a telecommunication site consisting of a 190 foot monopole style antenna tower and a 11 foot by 5 foot by 20 foot one-story shelter within a 60 foot by 60 foot fenced compound on a 100 foot by 100 foot leased area
LOCATION: 37000 Center Ridge Road in a B-2 and R-1 District
Permanent Parcel No. 07-00-028-101-088
PC ACTION: APPROVED 5-0

moved by Jaenke, seconded by Olesen to approve the Planning Commission action for approval to construct a telecommunication site

President Arndt: Is there any discussion? Yes, Mrs. Butkowski?

Council Member Butkowski: According to the minutes it sounded like it is all in an R-1 district and the Utilities Committee just spent a lot of time going over our ordinance for these things and

they're not suppose to be in an R-1 district. I can't believe that Planning Commission approved something like this. Our ordinance also asks that they build a pole that they can collocate it on. This is a monopole. That won't be able to have a collocation on it. I know that they're going to have to go to BZA for this but, I don't understand why Planning Commission even considered anything. We were just talking about, some people still think that there are problems from this. Whether there is or not, there's people that believe that. The only way that it could safely or, in my opinion, ever be put in a residential district is if it was granted a variance that they would have to keep a 750 foot radius of that pole where no residences can be located. That's what our ordinance is and we spent a lot of time to get it what's best for this community. Now, this just blatantly goes against it. I can't see why we should approve something like this for the City. If we do it once, how many more times, how many more residential areas do we want to put this stuff in.

Council Member Olesen: Mr. President, I was just wondering if there was any discussion on cohabitation of another pole on this particular request.

Council Member Jaenke: Mr. Chairman, there was discussion and it is in terms of the dead space that we have in town. There was no other tower that they could collocate and that was explored by these people.

President Arndt: Is there any discussion? Yes, Mr. Johnson?

Safety-Service Director Johnson: Just to address some of the concerns that were raised, cell towers are allowed in R-1 but, we do require that they show cause for putting it in an R-1. I believe this particular applicant did that. They showed the territory that they had to cover and that territory is almost exclusively in an R-1 zone. They went out of their way with our balloon test. They took pictures from all over the area. I think they followed the spirit of Chapter 1462 and I think they are within the law with 1462.

Mayor Gillock: Mr. President, part of the reason for this is it is north of Center Ridge Road and the property right along Center Ridge Road is B-3. They can move the tower into the B zone but, it will be closer to Center Ridge Road. The reason it's in the R part is they're moving it away to get it farther away from Center Ridge Road. That's why they went all the way back to the R-1. We can put it all in B-3 but, it would be more visible and be more unsightly. I also think, in regards to the monopole, that refers to the type of construction of the tower itself. It's a single attachment point, single column and not a three-sided type pole and they will be able to put more than one antenna on it. The key thing is, the reason it's in the R-1 is they're trying to hide it more and get it farther away from Center Ridge Road and away from Schaefer.

Council Member Buescher: Mr. President, I agree with what the Mayor is saying. We wouldn't want that pole to be up on Center Ridge, particularly, because that is a B-5 area in that section and there is no choice because everything north of that is residential as Mr. Johnson stated. I think that as long it's not against Chapter 1462 with having it in a residential area, we should go forward with it.

President Arndt: Thank you. Is there any further discussion? There is a motion on the floor by Mr. Jaenke and a second by Mr. Olesen to approve the Planning Commission action for approval

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING OCTOBER 18, 2004**

Page 8

for the construction of a telecommunication site. Will the Clerk take roll

Yes, 6 No, 1 (Butkowski)

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

APPLICANT: Davison Smith Certo Architects, Ridgewood Homes, 26031 - B Center Ridge Road, Westlake, OH 44145

OWNER: Dwight Beckett, 35157 Center Ridge Road

REQUEST: Approval to construct 18 modular home sites, roadway, utilities, site improvements and construction of an office in Phase I, to be known as Ridgewood Estates, Phase I

LOCATION: 35157 Center Ridge Road in a B-3/R-1 District
Permanent Parcel No. 07-00-021-119-127

PC ACTION: APPROVED 5-0

 moved by Jaenke, seconded by Olesen to approve the Planning Commission action to construct 18 modular home sites

President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, I would like to comment that this particular area is grand fathered and in addition, these trailers will be an improvement in terms of the area itself. If we all recall what those old cottages were, those old cottages are now torn down. That particular section will be replaced with these particular modular homes. So, it really is an improvement.

Council Member Buescher: Mr. President, there is an error in the way we have this written in. It says in the minutes with conditions that a variance and lot size is granted by the BZA and I move to amend, to have that removed from there because it was noted by the Assistant Law Director at the meeting that the lot sizes cannot be changed according to our Charter.

 moved by Buescher, seconded by Butkowski to strike what is in parentheses "with conditions that a variance in lot sizes is granted by BZA"

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

Yes, 7 No, 0

President Arndt: Having said that, we still have a motion on the floor by Mr. Jaenke and a second by Mr. Olesen to accept the Planning Commission action to approve the construction of 18 modular home sites as modified. 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:

APPLICANT: Bob Yost and John O'Neil, 260 South Logan, Elyria, OH 44035

OWNER: Bradley Center Ltd., 605 Bradley Road, Bay Village OH 44140

REQUEST: Preliminary Approval for Sandy Ridge Subdivision

LOCATION: 42.8691 Acres East of Case Road, North of Center Ridge Road in an R-

1/B-3 District

Permanent Parcel No. 07-00-039-000-001, 07-00-045-110-063,
07-00-040-000-002, 07-00-046-107-006

PC ACTION: **APPROVED WITH CONDITIONS 5-0**

1). Consideration be given to the use of Green Space
moved by Jaenke, seconded by Buescher to approve the Planning Commission action for
the preliminary approval for the Sandy Ridge Subdivision

President Arndt: Is there any discussion?

Council Member Buescher: Mr. President, I just want to bring it to the attention of the Council
that some of the residents in that area do have flooding problems already and we want to be sure
that this is handled properly so they won't have any problems in the future and perhaps this will
even help them in that area.

President Arndt: Thank you. Any other discussion? Mr. Young?

Council Member Young: Mr. President, this is a flood zone area and some of these residents did
raise concerns to the potential builder and I do understand that this is a preliminary approval. I
just want to state for the record that I will not be approving a final approval unless I have a
guarantee from these residents that their concerns have been addressed.

Council Member Buescher: Mr. President, I agree.

President Arndt: Any further conversation? 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 from Council tonight? There being none, will
the Clerk please read our singular correspondence.

CORRESPONDENCE:

Clerk of Council Norris: Council has before it this evening, one item of correspondence. That
being, received a memo from James R. Cordes, Lorain County Administrator submitting a
certificate in honor of the Grand Opening of the Lorain County Justice Center. The Clerk of
Council's Office presented the original certificate to Mayor Dave Gillock to accompany the Flag
of the United States of America presented to Mayor Gillock the day of the Grand Opening.

NEW BUSINESS:

President Arndt: Is there any new business to be brought before Council?

AUDIENCE PARTICIPATION (Lobby):

President Arndt: We now have the opportunity to hear from our residents. This is the audience
participation part of the evening, our lobby. Any members of our audience tonight are invited
and welcome to address your Council. We request that you fill out the form that you find in the

back of the room because it enables us to contact you personally should there be a need to follow up. You're now welcome and invited to approach the podium at this time. Please state your name and address, clearly, and limit your comments to three minutes. The lobby is now open.

1) Joe Antush of 38500 Otten Road spoke about Barres Road and the sinking culvert noting that it isn't sinking it was excavated. Due to that excavation the culvert tipped and one section came away from the other. Meadow Lakes should be responsible and not the City. Stated that the culvert that is sinking is on Otten Road. Stated that there is a sign stating, no trucks but does not keep the construction trucks from using Otten Road. Spoke about the water valve near Race Road. Asked if the Mayor did any kind of investigation on who authorized that water valve and noted that a north/south road cannot be placed.

2) Gail Minnick of 6193 Mills Creek Lane spoke about Forest City's donation of six acres of land for a future elementary school and noted documents where this appears. Spoke to the landowners agreement for the westerly sewer where FJD and Forest City agreed to donate an 80 foot right-of-way for a street. Asked Council to permit her more time to complete her statements.

moved by Buescher, seconded by Butkowski to suspend By-Laws to allow Mrs. Minnick an additional three minute time period

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

Yes, 7 No, 0

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

Mrs. Minnick continued to speak on the north/south corridor and proposed golf course. Stated that it doesn't appear that the PCD's are being built as proposed. Stated that she has sent Council and the attorney letters with additional information regarding the projects noting that they are not all the documents available. Stated that she hopes the information she is supplying will help in making responsible decisions in the future.

2) Lois Sullivan of 5880 Jaycox Road stated that as far back as she could remember, Race Road was going to be extended north. Stated that the City is working on a project to take out the jog at Lear Nagle. Noted one at Root Road and Ridgeview and now another one will be created. Spoke about a committee study that laid out roads.

Mayor Gillock: Mr. President, I just might comment that on the Wallgreens, Lear Nagle project, that's to take the jog out. That will eliminate one of those intersections and it will go straight through, as you're well aware. Hopefully, will have a nice smooth north/south route through there.

Council Member Young: Mr. President, I ask that the Streets, Sidewalks and Bridges

Committee, since Mrs. Buescher was part of the committee that Lois just talked about, to look at the Race Road, Evergreen and the new road that's being proposed. I don't know if anything can be done. I remember seeing this come through Planning Commission at one point because of that water valve but, maybe have the Streets Committee take a look at it and maybe come back with some presentation to the people in order to answer and address the concerns that they have as to if it can't be done, why it can't be done.

Council Member Buescher: Mr. President, I would also like to comment because Mrs.

Minnick's comments bring back a lot of memories when the PCD was being passed and the City wanted Mills Road to run as an east/west corridor for us and that did not go through when the PCD's were allowed. Then, people were promised that Barres Road would go through and take over that east/west area to get traffic over to the college. Now, you can't even go through Barres Road because it's a disaster area. These people definitely, what they're bringing to our attention is very serious and important and needs to be looked at.

Council Member Young: Mr. President, I agree with all of Mrs. Buescher's comments and she is the chairperson of the Streets, Sidewalks and Bridges Committee. I ask Mrs. Buescher's committee to take a look at all those issues and come back with a rational and reasonable response so that the people will have an answer as to what's going on with Barres Road, Race Road and the north/south, east/west corridors.

President Arndt: So directed. Thank you.

**REFERRED TO STREETS SIDEWALKS AND BRIDGES THE ISSUES WITH RACE AND
BARRES ROADS; THE NORTH/SOUTH CORRIDOR AND THE EAST/WEST CORRIDOR.**

3) Carol Blaser of 32376 Chestnut Ridge Road stated that she was here because of the railroads. Explained that she is a school bus driver and crosses the tracks on Maddock Road, Route 83 and Chestnut Ridge about eight times a day. Distributed pictures to show how grown up the railroad is. Explained the dangerous situation of crossing these tracks. Spoke about the signals that were not working.

moved by Young, seconded by Buescher to suspend By-Laws to give Mrs. Blaser an additional three minutes to complete her comments

Mrs. Blaser continued to show pictures and explained the various situations at the railroad crossings.

Council Member Butkowski: Mr. Chairman, I agree with everything she says. I'm not driving the bus now, but I did and it's extremely difficult to see down those tracks a lot of the time. The greenery keeps growing up, over night almost.

President Arndt: What I would like to do is direct a question to the Mayor and/or our Safety-Service Director to discover if this is something that can be addressed?

Safety-Service Director Johnson: My only question was addressed already. It is railroad property

that is clear and it's City or private property that is not cleared. That will be taken care of.

Mrs. Blaser noted that the railroad has notified them that they have cleared everything that is theirs.

Safety-Service Director Johnson: That will be taken care of as fast as possible.

Council Member Olesen: Mr. President, my only comment is that I drive the Chestnut Ridge Road and it's difficult to see what's coming in a passenger car much less a bus. I fully agree with her.

President Arndt: I would appreciate it, if you would Mr. Johnson, just to let us know at our next Council meeting that that's been addressed so that we're handling this.

Safety-Service Director Johnson: Will do.

President Arndt: Thank you. Mr. Young?

Council Member Young: I would just like to thank Mrs. Blaser for coming to Council and pointing this out. I would like to encourage all of our citizens to come to Council and point out dangerous spots that they see and not feel sheepish about doing so. It is necessary and we'll always be willing to grant extra time if it's needed and it seems to further a higher purpose.

Council Member Buescher: Mr. President, with regard to Mrs. Minnick's comments, we're going to be having a final approval for Meadow Lakes coming up, not tonight, which involves that green space area. There was a meeting at the Planning Commission where the Planner gave all his suggestions that he feels are necessary that should be carried out before that's approved and one was that the designated green space must be in writing so we know where it's going to be. I will not pass any more things from Meadow Lakes until these suggestions by the Planner are met because we're totally running out of area there and all the promises that were made are not being kept. So, until that's all taken care of, I will not approve anything else.

President Arndt: Thank you.

4) Bob Miles of 34582 Lorain Road thanked Mr. Buescher for her comments in regard to Meadow Lakes. Spoke of other promises made for Meadow Lakes.

5) John Borecki of 7468 Dyke Avenue spoke about a letter he submitted in regard to the sale of City lots on Dyke Avenue. Stated that they are not buildable lots. Asked that the City allow them to purchase the lots before the person behind them gets the City to approve a street. Stated that his wife is a school bus driver and knows how these intersections and train tracks are.

Council Member Young: Mr. President, I have a question for Mr. Borecki. I don't know if you're aware but there's an issue for a tax assessment and a sewer down Dyke Road. It was addressed in my committee, the Utilities Committee, and we had a separate meeting on that specifically. Are you in favor of a tax assessment for the sewage down Dyke Road?

Mr. Borecki answered, to a point. He just paid for one on Chestnut Ridge.

Council Member Young: One of the problems, we actually reviewed over your request in the Buildings and Lands Committee as well so, both the Utilities Committee and Buildings and Lands Committee have become relevant to your request. In your request we had two issues that we really discussed. One of the issues that we discussed was whether or not it is fiscally responsible for us to sell those properties right now especially in light of the fact that those properties will become more valuable once a sewer does go down Dyke Road and we believe that a sewer, eventually, will go down Dyke Road and that the City will be able to sell those and benefit the taxpayer and citizen at a higher rate. The other issue that we discussed was the issue involving the tax assessment. Because the City owns a number of properties there, and we are aware of the fact that some citizens on Dyke Road are trying to put together a petition for tax assessment there, the City doesn't want to unduly influence that process and wants to remain as neutral as possible. If we put up those properties for bid right now that might jeopardize that unbiased neutral position. As of right now, we did consider your request. It's been tabled and postponed for a later day.

Mr. Borecki explained his situation with a recent purchase of a motor for his septic system. Stated that he recently had an assessment on his dad's property on Chestnut.

Council Member Young: Mr. President, the City actually wouldn't be hitting you up for the assessment. The assessment is up to the residents of Dyke if 60 percent of the citizens on Dyke Road sign the petition to have sewers run down the road, then the tax assessment comes into play. As far as I'm aware, that hasn't been done and there's not a 60 percent approval at this point. Again, the City's going to remain neutral on that position.

Mr. Borecki stated that he didn't care, he likes sewers and would like the City to consider putting those lots up for sale.

President Arndt: Is there anyone else who would care to address your Council?

6) Don Vandrasik of 34567 Lorain Road commented on the conduct of the President of Council during the City Engineer's report.

President Arndt: As your Council President, I will ask for his apology and I do stand corrected.

Engineer Griffith: No offense was taken.

President Arndt: Thank you. Is there anyone else who needs to address or would like to address your Council tonight?

moved by Arndt, seconded by Young to move to Executive Session to study a case of litigation

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

ORDINANCES AND RESOLUTIONS:

President Arndt: The Chair calls our meeting back to order and thank you, Mr. Griffith, for being with us for the rest of evening and I do apologize if I offended some of you. Having said that, I would request that our Clerk read our ordinance and resolutions. However, before he does the first one. The Chair moves to suspend our By-Laws tonight, not to refer T 123 to Committee

• **Ordinances & Resolutions Submittals**

moved by Arndt, seconded by Swindig to suspend By-Laws, not to refer T 123 to committee

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

T 123-2004 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 Swindig, seconded by Buescher to suspend By-Laws to give T 123 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

T 124-2004 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH BURGESS & NIPLE, A CONSULTING ENGINEERING FIRM, TO CONDUCT A TRAFFIC/ENVIRONMENTAL STUDY FOR THE WIDENING OF CENTER RIDGE ROAD, NOT TO EXCEED \$190,000.00.

moved by Mayor Gillock, seconded by Butkowski to suspend By-Laws to give T 124 its first reading

President Arndt: Is there any discussion? Yes, Mr. Mayor?

Mayor Gillock: A couple things I'd like to point out. Number one, the majority of these funds come from the Street Levy and not the General Fund which is the subject of the levy to be on. This money has been appropriated. It's the first step in progressing on the widening of Center Ridge Road which we sorely need. We've reached this point through a series of meetings with ODOT where ODOT, basically, we interviewed several engineering firms, selected a consultant, Burgess and Niple. ODOT then worked with us to write the scope of services that we need and Burgess and Niple then came back with what they propose to do and that's got us to this point. Again, I want to point out most of those funds come from the Street Levy. This is something, for this administration, is a really high priority doing something about Center Ridge Road. Thank

you.

President Arndt: Thank you, Mr. Mayor. It's an exciting step in a positive direction for so many of us who have lived here for so long, about widening the street. Thank you. Is there any further 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 Abstain, 1 (Buescher)

Clerk of Council Norris: Approved six to zero, one abstention.

T 125-2004 A RESOLUTION AUTHORIZING AN APPEAL TO THE STATE OF OHIO BOARD OF TAX APPEALS BY THE CHIEF FISCAL OFFICER OF THE CITY OF NORTH RIDGEVILLE, OHIO, FROM THE ACTION BY THE LORAIN COUNTY BUDGET COMMISSION APPORTIONING LOCAL GOVERNMENT FUNDS AND REVENUE ASSISTANCE FUNDS TO SUBDIVISIONS IN LORAIN COUNTY FOR THE 2005 YEAR IN ACCORDANCE WITH THE IMPROPER ALTERNATIVE FORMULA AGREEMENT ENTERED INTO IN 2003, IN ORDER TO PROTECT THE CITY'S RIGHTS AND INTERESTS IN AND TO ITS ALLOCATION OF SUCH FUNDS UNDER CHAPTER 5747 OF THE OHIO REVISED CODE.

moved by Swindig, seconded by Buescher to suspend By-Laws to give T 125-2004 its first reading tonight

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

Yes, 7 No, 0

• **First Readings**

T 122-2004 AN ORDINANCE APPROVING THE FINAL PLAT OF SUBDIVISION 7 IN PHASE III IN MEADOW LAKES PCD FOR RECORDING PURPOSES ONLY
First Reading

T 123-2004 RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS
1021-2004 DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNCIL AUDITOR.

First Reading

moved by Swindig, seconded by Olesen to dispense with second and third readings

President Arndt: Is there any discussion? Yes, Mr. Costin?

Auditor Costin: I just wanted to point out on Schedule A on the reverse; I verified the rates included on Schedule A and there is some useful information that indicates the approximate amount we would expect from the levies. The last year of complex is on the bottom on Schedule

B, if you haven't noticed, frequently asked information.

President Arndt: If there is no further discussion, I will take a vote? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

moved by Swindig, seconded by Butkowski to adopt T 123-2004

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: T 123-2004 is adopted and becomes permanent resolution 1021-2004.
Permanent Resolution No. 1021-2004

T 124-2004 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
4062-2004 CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY
LAW WITH BURGESS & NIPLE, A CONSULTING ENGINEERING FIRM,
TO CONDUCT A TRAFFIC/ENVIRONMENTAL STUDY FOR THE
WIDENING OF CENTER RIDGE ROAD, NOT TO EXCEED \$190,000.00.

First Reading

moved by Mayor Gillock, seconded by Swindig to dispense with the second and third readings on T 124-2004

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

Yes, 6 No, 0 Abstain, 1 (Buescher)

moved by Mayor Gillock, seconded by Butkowski to adopt T 124-2004

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

Yes, 6 No, 0 Abstain, 1 (Buescher)

Clerk of Council Norris: Motion is adopted by a vote six, zero, one abstention and becomes permanent ordinance 4062-2004.

Permanent Ordinance 4062-2004

T 125-2004 A RESOLUTION AUTHORIZING AN APPEAL TO THE STATE OF OHIO
1022-2004 BOARD OF TAX APPEALS BY THE CHIEF FISCAL OFFICER OF THE
CITY OF NORTH RIDGEVILLE, OHIO, FROM THE ACTION BY THE
LORAIN COUNTY BUDGET COMMISSION APPORTIONING LOCAL
GOVERNMENT FUNDS AND REVENUE ASSISTANCE FUNDS TO
SUBDIVISIONS IN LORAIN COUNTY FOR THE 2005 YEAR IN
ACCORDANCE WITH THE IMPROPER ALTERNATIVE FORMULA
AGREEMENT ENTERED INTO IN 2003, IN ORDER TO PROTECT THE
CITY'S RIGHTS AND INTERESTS IN AND TO ITS ALLOCATION OF
SUCH FUNDS UNDER CHAPTER 5747 OF THE OHIO REVISED CODE.

First Reading

moved by Young, seconded by Swindig to dispense with second and third readings on T 125-2004

President Arndt: Is there any discussion? Yes, Mr. Mayor?

Mayor Gillock: Just for clarification, please write in that that was introduced by the Mayor.

President Arndt: Thank you, Mr. Mayor, that shall be done. 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

moved by Swindig, seconded by Young to adopt

moved by Swindig, seconded by Young to add the emergency to T 125-2004 to address the 30 day appeal time line

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: Is there any discussion on the adoption of T 125-2004 with the emergency?

All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7

No, 0

Clerk of Council Norris: T 125-2004 is adopted with the emergency becoming permanent resolution 1022-2004.

Permanent Resolution No. 1022-2004

• **Second Readings**

T 121-2004 AN ORDINANCE APPROVING THE FINAL PLAT OF BLISS PARKWAY IN A NEW SPECIAL DEVELOPMENT DISTRICT FOR RECORDING PURPOSES ONLY.

Second Reading

T 119-2004 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO NEGOTIATE AND ENTER INTO A CONTRACT (ATTACHED HERETO) FOR SOFTWARE AND INTERNET COSTS ASSOCIATED TO PLACING THE NORTH RIDGEVILLE CODIFIED ORDINANCES ON THE INTERNET, NOT TO EXCEED \$3,500.00.

Second Reading

President Arndt: That concludes our second readings and we have no third readings. The Chair asks, is there any old business to be brought before Council this evening. There being none, the Chair requests that our Clerk read our upcoming meeting announcements.

UPCOMING COMMITTEE MEETING ANNOUNCEMENTS:

Clerk of Council Norris:

Next Regular Council Meeting Monday, November 1, 2004 at 7:30 P.M. in Council Chambers

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING OCTOBER 18, 2004**

Page 18

Public Hearing November 1, 2004 at 7:20 P.M. regarding Mould Development, LLC, 9449 Island Road, Final approval for plat of Bliss Parkway in a Special Development District

Public Hearing Monday, November 15, 2004 at 7:20 P.M. regarding FJD Properties, 37000 Center Ridge Road, North Ridgeville, Ohio 44039, Final Approval of Subdivision 7 in Phase 3 of Meadow Lakes PCD

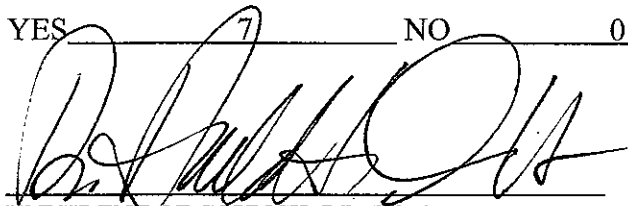
ADJOURNMENT:

motion to adjourn by Swindig

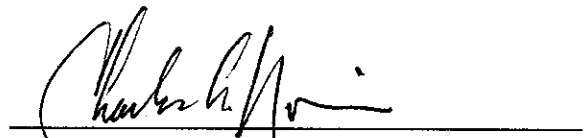
Meeting adjourned at 9:03 P.M.

MOTION Butkowski 2ND Olesen DATE November 1, 2004

YES 7 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL DR. RONALD F. ARNDT



CLERK OF COUNCIL CHARLES A. NORRIS