NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING OCTOBER 17, 2005

CALL TO ORDER: 7:30 P.M.
President Ronald Arndt: The Chair calls to order tonight, the North Ridgeville Municipal City Council regular meeting dated October 17, 2005.

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, Deputy Auditor Donna Kiraly and Clerk of Council Charles Norris.

moved by Arndt, seconded by Olesen to suspend By-Laws to give State Representative Earl Martin the opportunity to speak with Council and our community on the upcoming Issue 1

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

State Representative Martin: Thank you, Council President, Council Members, Mayor Gillock and Safety-Service Director Johnson, for allowing me this privilege tonight. I want to thank you for taking up the matter and passing it so diligently. Your resolution is important to State Issue 1 and the reason I am here tonight is not only to thank you for your support but to encourage discussions because this is a valid issue that is coming up November 8 and I wanted to let the residents know of its' importance. Issue one is a combination of three different bond initiatives with 1.35 billion dollars in public works dollars, 150 million dollars for site improvement dollars and 500 million in third frontier dollars, which are research, development and commercialization of new ideas and new industries here in Ohio. A brief description, as you are all aware of public works dollars and you probably know those as issue two dollars. Not to confuse everyone with what is on the ballot, those are the public works dollars that have been initially in effect since 1987; renewed in 1995 by overwhelming majority both times and now we need to renew those dollars again. That one billion, 350 million dollars of public works dollars have been used in North Ridgeville very well and literally, millions of dollars for different growth improvements, resurfacing projects, and sewer projects have been used throughout North Ridgeville and literally throughout the State of Ohio. There have been more than ten thousand projects in all 88 counties with these public works dollars. They have created literally tens of thousands of jobs. There were more than 56 million dollars used since the last renewal in improvements in Lorain County and that magnified itself to over 116 million dollars worth of completed projects. The Issue 1 makeup of the public works dollars is 65 percent of the whole two billion bond initiative and I am sure Council is familiar with that as you make those resolutions to appeal for more of those funds. The other two parts of the bond issue that you may not be familiar with is the 150 million for the site dollars. The shovel-ready site dollars will take construction sites and turn them into ready-sites for immediate new job development. Those dollars can be used for infrastructure. They can be used for the purchase of those lands. That will enable cities to take those undeveloped sites and turn them around to make those ready for commercial development, thus new jobs on a dime's turn. The third and final part of the bond initiative is the 500 million dollars for research and commercialization of new products. Historically, almost 40 percent of those dollars have been awarded to Northeast Ohio. It is very important for areas such as Glenn NASA Research, Cleveland Clinic and Case Western Reserve. These dollars have also come home to Lorain County in ways of over 500 thousand dollars to Lorain Community College through internship programs, which has taken many of our young graduates, put them in jobs here in Lorain County, kept them here and has developed a competitive advantage not only for the businesses, but for the students. We have also seen small loan funds through our different companies here in Lorain County and this has been very beneficial in creating new job prospects and new markets for jobs. There are nine different components of those research dollars, which include the Wright Centers of Innovation, there are small loan programs and internship programs. There are also dollars available for fuel cell technology, which include alternate fuels for the future; all kinds of technologies that will lower our cost of living in Northeast Ohio and to also create new industries and new jobs. Issue one will be on the November 8 ballot and is for a two billion-dollar approval from the voters in order to leverage those two billion dollars into more construction dollars and to more research dollars. None of that will cause any increase in taxes and that is very important for everyone to realize that there is no increase in tax dollars for this two billion dollar job initiative and the repayment for these bonds is built right into our budget. The importance of this can't be understated in regards to revitalizing and changing Ohio's economy and getting us back on track. Ohio is over two hundred years old and like any business that becomes older, you need to reinvest. This has come the time that Ohio really needs to consider whether or not we are going to become an upper state or whether we are going to be delegated to a lower realm in the economic development throughout our country. This is a great way for the citizens to get behind this effort to help us revitalize Ohio and this two billion dollars will go a long way toward that. The public works dollars will be issued in over ten years at 150 and 120 million dollar increments. The third frontier dollars and the site-ready dollars will be allowed in seven year increments. All of those are to be financed over a twenty to thirty-year period. I appreciate the effort that you have taken to put this forward. It is important for me to thank you for the work that you have done in approving this and I wanted to also make it more available for the public to know how important Issue 1 is and that a yes on Issue 1 will not increase taxes but it will allow the State to competitively bid. All the research dollars are also competitively bid. There is a nine-member commission and we are expanding the roles of this commission. We are competitively awarding these dollars in all segments of our economy. It is not just third frontier dollars that are being awarded; those that I had mentioned, but also in agriculture and in manufacturing. The increase technology in manufacturing, as some of you are aware, is very important in keeping us competitive. So, I would like you to respectfully consider voting yes on Issue 1. The effort at the State house and through the legislative branch has been bipartisan. It was placed on the ballot with all of the 132 legislators and only eight voted against it. So, it was with unanimous support that we place this on the ballot. I want to thank all of you for your support on this. As you talk to your friends and neighbors, please let them know that Issue 1 is very important for the continued progress that we need here in Ohio.

President Arndt: Any questions from Council? Any questions from the Administration? Anyone in the Audience have a question for their State Representative? Thank you, Mr. Martin.

President Arndt: Dr. Norris will you please read our minutes.

MINUTES - Corrections (if any) and Approval:
Clerk of Council Norris: Minutes that Council has before this evening include:

Public Hearing Minutes of October 3, 2005 re: T 30-2005 REVISED
moved by Buescher, seconded by Butkowski to approve the Public Hearing minutes of October 3, 2005 regarding T 30-2005 Revised
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

Public Hearing Minutes of October 3, 2005 re: T 105-2005
moved by Buescher, seconded by Butkowski to approve tonight the Public Hearing minutes of October 3, 2005 regarding T 105-2005
President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?
Yes, 7 No, 0

Council Minutes of the regular meeting held September 19, 2005
moved by Buescher, seconded by Butkowski to approve the Council minutes of the regular meeting held September 19, 2005
President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?
Yes, 7 No, 0

Clerk of Council Norris: Council will also note that within their packet for information was:
Board of Zoning and Building Appeals Minutes of two special meetings held Oct. 6, 2005
Planning Commission Minutes of regular meeting October 11, 2005

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

- **Mayor**

Mayor Gillock: Thank you, Mr. President. Councilmen will find two ordinances in their packets that need to be passed tonight with the emergency clause. The first is T 129, which Deputy Auditor Donna Kiraly will discuss during the Auditor's report. Secondly, our Treasurer, Tony Hatmaker has asked that T 131 be adopted with the emergency. This is a required resolution adopting a policy and procedure manual for the 2005 Community Housing Improvement Program, which is our CHIP program and must be adopted before we can complete the implementation of the program.

We also received communication last week from Marilyn Hill of the Lorain County Health Department. They have asked that we advise Council and the residents that flu shots will be given on Saturday, October 29 at the Education Center, 5490 Mills Creek Lane from 9:00 A.M. to 1:00 P.M. Another date was published erroneously and we want to emphasize that the date is October 29, Saturday at the Ed Center from 9:00 A.M. to 1:00 P.M. The cost of these shots is eight dollars.

Last Tuesday, in support of Hurricane Katrina relief, City employees donated 26 pints of blood that will translate into 78 blood products. We certainly want to thank those employees and appreciate their volunteer ism, community service and awareness, that giving blood truly does save lives. Thanks to all who participated.

Finally, just a reminder that Halloween, Trick-or-Treating will be on Monday, October 31 from 6:00 P.M. to 7:30 P.M.

That concludes my report. Thank you.

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. Fall season is well under way and I'd like to address a few issues that residents should be aware of.

First, with heating season beginning, please make sure you have fresh batteries in your smoke and CO2 detectors. These devices save lives every year, but they need to be maintained.

Also, please be aware it is the deer rut or mating season. Expect deer to do the unexpected, especially at night. Take extra care when traveling past wooded areas. When you see one deer, run across the street you can expect to see several others follow, speaking from one, who has had a deer accident.

And finally, the leaves are now falling. Please keep leaves and debris out of our ditches and waterways. It only takes a small amount of debris to clog a drainage system and flood hundreds of homes. Leaves should be bagged for pickup on trash day or properly piled for mulch in the spring.

Thank you and that concludes my report.

President Arndt: Thank you, Mr. Johnson. We now have the opportunity to hear from our Engineer and delightful I might add, to see our Engineer, Mr. Griffith back with us.

- **Engineer**

Engineer Griffith: I have no report tonight.

President Arndt: Thank you, Mr. Griffith. For those of you who maybe don't attend our Council meetings, this is really a rare occasion and our Engineer usually has some very interesting information to share with us. We now have the opportunity to hear from our Deputy Auditor, Donna Kiraly.

- **Auditor**

Deputy Auditor Kiraly: I have two things that Chris wanted me to remind Council of. One is the resolution T 129, which is a resolution passing our tax levies that have to be certified to the County Auditor. He requested that be passed tonight by emergency. The other thing is he wants to remind everybody that at the next Council meeting on November 7, there will be legislation for the roll over of the bands and he requests that, that be passed by emergency also. The last item I have is the Auditor's Written Financial Report for September 2005.

Auditor's Written Financial Report for September 2005
moved by Butkowski, seconded by Swindig to approve the Auditor's Written Financial Report for September 2005.
President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?
Yes, 7 No, 0

President Arndt: Dr. Norris, would you continue on with our other reports.

- **Other Reports**

Clerk of Council Norris: Other reports before Council this evening include:
Fire Department Report for September 2005;
Water System Operating Report for September 2005; and
Mayor's Court Operating Trust Fund/Bail Trust Fund Report for September 2005.

Also, before Council this evening is the Planning Commission Report to Council of their regular meeting held October 11, 2005. Applications include:

APPLICANT:	Mark Lesner, Mark Lesner & Associates, 45180 Middle Ridge Road, Amherst, OH 44001
OWNER:	Frank T. Boron, BioPlastics Company, 34655 Mills Road
REQUEST:	Approval to construct a 10,000 square foot addition for BioPlastics' fabrication operation
LOCATION:	34655 Mills Road in an I-2 District Permanent Parcel No. 07-00-018-101-016
PC ACTION:	Approved by a vote of five to zero

moved by Olesen, seconded by Jaenke to approve the Planning Commission action to construct a 10,000 square foot addition for BioPlastics

President Arndt: Is there any discussion?

Council Member Butkowski: Mr. Chairman, this is one of our existing businesses here in the City and it is great to see that he is putting an addition on, which will add more jobs to our community. He also has said that with this addition, he will preserve many of the trees that are on his lot. Unlike a lot of places where they just tear down all the trees, he will be keeping as many as possible. While it is really great that he is building, it is also great that he is improving his property too.

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

Yes, 7 No, 0

APPLICANT:	Mould Development, LLC, 9449 Island Road
OWNER:	Same
REQUEST:	Approval to construct a truck dispatch center on 4.3 acres of land
LOCATION:	7878 Bliss Parkway in a Special Development District (SDD) Permanent Parcel No. 07-00-003-102-076
PC ACTION:	Approved by a vote of five to zero

moved by Jaenke, seconded by Olesen to approve the Planning Commission action to construct a truck dispatch center

President Arndt: Is there any discussion?

Council Member Olesen: Mr. President, I think it is important to note here, that this is the third business going into that site. This is good for our City, good for our residents and just good all around for our services.

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

Yes, 7 No, 0

APPLICANT:	Charles Klinkinberg, Illes Architects, Inc., 3599 Reserve Commons Drive, Suite A, Medina, OH 44256
OWNER:	Robert Graham, Midway/TW LLC, 150 Freedom Court, Elyria, OH 44035
REQUEST:	Approval to construct a 36,000 square foot warehouse/manufacturing facility for Ridgeco, LLC

LOCATION: 38775 Taylor Parkway in an I-3 District
Permanent Parcel No. 07-00-047-000-098
PC ACTION: Approved with the condition that BZA approves the required variances by a vote of five to zero

moved by Jaenke, seconded by Olesen to approve the action of the Planning Commission to construct a 36,000 square foot warehouse/manufacturing facility with the condition that the BZA approves the required variances

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

Yes, 7 No, 0

Council Referrals:

T 116-2005 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: VACANT PROPERTY KNOWN AS PERMANENT PARCEL NUMBER 07-00-016-112-027 AND PART OF PERMANENT PARCEL NO. 07-00-016-112-045 (AS SHOWN BY LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE DISTRICT TO B-3 HIGHWAY COMMERCIAL DISTRICT AND OWNED BY VALORE PROPERTIES, INC. AND RINI REALTY CO.

PC ACTION: Approved by a vote of five to zero

moved by Jaenke, seconded by Olesen to approve the action of the Planning Commission to rezone the parcel from R-1 Residence District to B-3 Highway Commercial District

President Arndt: Is there any discussion?

Council Member Olesen: Mr. President, just briefly, it is highly unusual for Planning and Council to look at this type of a rezoning from residential to commercial favorably. This case is very unusual in itself as the great majority of these residents have opted for the commercial zoning, because they want to save the trees. They were offered the option of housing behind them. They came to Council. They came to planning and this is what they want.

Council Member Young: Mr. President, I don't know if the great majority of residents are actually in favor of this project as I have talked to a number of them. I was at the Planning Commission meeting and in fact there were three people who spoke in favor of it and there were two people who spoke against. One of the individuals that I spoke with afterwards, who was against, said that they are not in favor of it because they think it will diminish the value of their homes and they would rather see houses be built behind their own houses in order to keep the value of their homes up. They said, regardless of the fact that the trees will stay put, it will still diminish the value of the properties along Debbie Drive. So, I will be voting no on this action.

President Arndt: Is there any other discussion?

Council Member Buescher: Mr. President, because of all the issues that have come up since the decision was made to place storage sheds under B-3 zoning, I will also vote no on this.

President Arndt: Is there any other discussion?
Council Member Butkowski: Mr. Chairman, while I don't have a problem with the people wanting the storage sheds back there, our zoning ordinances say that storage sheds should be under an I-2 zoning and that is where I think they should be. I can't approve this where they will be putting these in a B-3 because I was on Council when we took it out of B-3. I thought we removed it from there, so I will be voting against this also.
President Arndt: Is there any other discussion?
Mayor Gillock: Mr. President, I would just like to make a comment that what we are voting on here is the rezoning of the property. That may be the intended use, but whether it is self storage or not, is really not the issue here. It is just whether or not we are going to rezone this to B-3 or not.
Council Member Buescher: Mr. President, the storage sheds can't go in there unless it is voted as B-3, so it is definitely part of the issue.
President Arndt: Any other conversations? There being none, will the Clerk please take roll.
Yes, 4 No, 3 (Buescher, Butkowski, Young)
Clerk of Council Norris: Motion is approved by a vote of four to three.

APPLICANT: Hartford Oval, Ltd., 35290 Detroit Road, Avon, OH 44011
OWNER: M & J Company (Harold Bogner), 33008 Woodhaven Circle
REQUEST: Preliminary Approval for a Senior Citizen Planned Development within an R-1 District
LOCATION: Vacant Land south of Greenlawn Drive within an R-1 District
Permanent Parcel Nos. 07-00-027-101-104 and 07-00-027-101-101

During the regular Planning Commission meeting held on September 13, 2005, a motion to approve failed due to the lack of a second. Council refers this request to be returned to Planning Commission for authenticity of action as stated in Section 1, Article 5 of the Planning Commission By-Laws.
PC ACTION: Approved by a vote of five to zero
moved by Jaenke, seconded by Olesen to approve the preliminary approval for Senior Citizen Planned Development within an R-1 District.

President Arndt: Is there any discussion?
Council Member Butkowski: There were many people there speaking that night about the repair of the sanitary sewer that this development will be going into on Aurensen. While I don't have any problem with the development, I do have concerns about the sanitary sewer and the City has promised that they will be working on this. I would hope that they would begin that work and I would like to have more information as the work progresses, so that we can assure the people living down there that they will not have any more sanitary sewer back up as they had experienced on August 20.
President Arndt: Any other comments? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?
Council Member Buescher: Abstain.
President Arndt: Will the Clerk please take roll.
Yes, 6 No, 0 Abstention, 1 (Buescher)

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

COUNCIL COMMITTEE REPORTS:

Clerk of Council Norris: Council Committee Reports this evening include:

1) BUILDINGS & LANDS COMMITTEE REPORT #5581 We have considered the matter of T 104-2005, an ordinance accepting relocated Lear Nagle Road and dedicating it for public purposes and recommend that this request be approved and T 104-2005 be adopted by Council. Signed: Members Olesen and Young and Chairperson Jaenke.

moved by Buescher, seconded by Jaenke to accept the Building and Lands Committee Report number 5581

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 and we move onto the second report.

2) BUILDINGS & LANDS COMMITTEE REPORT #5582 We have considered the matter of banning storage units in B districts and recommend that this request be approved and the attached legislation be adopted by Council.

Signed: Members Olesen and Young and Chairperson Jaenke.

moved by Jaenke, seconded by Olesen to approve the Building and Lands Committee Report number 5582

President Arndt: Is there any discussion?

Council Member Buescher: Mr. President, I was contacted today by Mrs. George Kimble with a request that this recommendation by the Building and Lands Committee be denied or postponed by Council. If this recommendation is accepted, receives a first reading and goes through the process required to remove storage sheds from all business zoning designations, the Kimble's believe that they will not have the time to begin and complete all the steps necessary to secure a new project on land separate from their existing units, which they feel they are entitled to considering the circumstances surrounding the permitting of storage units on the Valore project under B-3 zoning. The Kimble's feel that the sudden turn about to remove units from B-3 after approving them for a particular developer is not acceptable. The City in amending legislation a few years ago, has made an error by permitting the ability to send this type of an issue to the Board of Zoning Appeals, which was and should have remained under the domain of City Council only. This is the purpose of checks and balances in government and this is the end result in not keeping the administrative and legislative issues separate for the protection of citizens. I still cannot resolve in my mind, the problems created by this issue and have no choice but to vote no to accept the recommendation of the Building and Lands Committee, even though I personally believe that the storage units should have remained under industrial zoning only as legislation requires.

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

Yes, 6 No, 1(Buescher)

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

CORRESPONDENCE:

President Arndt: We now move to our correspondence.

Clerk of Council Norris: Council has before it, two items of correspondence.

1) Received a memo from Mayor Gillock requesting a review of Chapter 1044, sanitary sewer tap in fees.

President Arndt: THE CHAIR REFERS THIS TO THE UTILITIES COMMITTEE.

2) Received a letter from the Ohio Department of Commerce, Division of Liquor Control, notifying Council, for informational purposes only, that the address on the application by Riser Foods is incorrect. The correct street address of the proposed permit premise is 34179 Center Ridge Road.

NEW BUSINESS:

President Arndt: Under New Business, our Law Director has asked to speak.

Law Director Crites: Thank you, Mr. President. Before you tonight, Council has received a new ordinance, which relates to the transfer of our City's cable franchise from the existing company, Comcast, to the acquiring company, Time Warner. I'm asking Members of Council or the Mayor to put forth a motion tonight that the By-Laws be suspended so that this may be introduced and passed with the emergency tonight. As you are likely aware, Comcast has been acquired by Time Warner. Under the Federal Laws that affords our City an opportunity to take a look at the existing franchise and essentially, while this transfer is taking place, to evaluate the compliance of the previous service provider. If there are issues, we then can raise them and have them rectified during the transfer process. Through the assistance from outside counsel, which the City has retained to assist us in this process, we have in fact reviewed Comcast's compliance and in fact negotiated at length with Time Warner as to issues relating to future compliance involved with the transfer. This ordinance before you tonight is simply the ratification of the transfer itself. It is an indication of Council's consent that the franchise be transferred from Comcast to the acquiring company, Time Warner. I am recommending to Council, following the recommendation of our outside counsel at Walter and Haverfield in Cleveland, that there are no compliance issues, therefore it is appropriate for Council to ratify the transfer and I ask that we do so tonight, due to the fact that there is a federally mandated time lime which we are dead up against with one extension and not due to any malfeasance or negligence, just due to the fact that it takes a while to do the audits, which are required by our outside counsel. However, it must be passed tonight in order to fall within the window of our opportunity to ratify or not ratify with the emergency. One last comment, I want to make sure that all of Council understands that this is simply an issue relating to the ratification of the transfer from the previous company Comcast to the acquiring company. This is not relating to the process that is also going on concurrently with this and will continue to go on and that is the renegotiation of the future cable franchise, which who will now be Time Warner.

President Arndt: Will the Clerk please assign this ordinance a temporary number.

Clerk of Council Norris: It is T 133.

moved by Olesen, seconded by Jaenke to suspend our By-Laws to give T 133 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

AUDIENCE PARTICIPATION (Lobby):

President Arndt: We have now reached the audience portion of our Council meeting tonight. Any member of our audience tonight who are interested in speaking to your City Council, you are invited to do so. We do request, however, that you fill out the lobby form that you can find at the back of the room. It gives us the opportunity to follow up with you personally should there be a need to do so. You are now invited and welcome to approach the podium immediately to the right of Mrs. Buescher. However, we do have two requests. One, that you state your name and address clearly and two, that you limit your comments to three minutes. The lobby is now open.

1) Barbara Eden of 37340 Stone Creek stated that she wanted to thank the Mayor and the Safety-Service Director for meeting with the home owners of Stone Creek last week. Explained concerns which were related to the flooding of the homes within Stone Creek. Explained that they did not receive an answer from the builder and wanted to bring this information to Council. Explained possible reasons why this flooding continues to occur in that area as well as other issues relating to the subdivision, which all involve the builder and asked if the City could help the residents in that area resolve these issues. Asked if the City could evaluate the parking issues on the streets within the subdivision.

Council Member Buescher: Mr. President, may I respond? When someone purchases the home in the City, the person has the right to expect that all the inspections have been properly carried out and that the City sees to it that the Builder is held responsible for any problems arising from construction of each home. I am really concerned about these dams because it is my understanding that they are policy. As a representative of Ward 1, I expect that everything will be done by the City to clear up the problems which are being reported by the residents of Stone Gate. If the process can't be carried out due to the shortage of manpower, which I believe they have been told is one of the reasons, or for whatever reason, a moratorium on residential building should be imposed until such time as we can properly accommodate those who have already placed their trust in the City and have the absolute right to expect that everything is in order when they purchase a home here. I hope that everyone takes this very seriously.

Council Member Butkowski: Mr. Chairman, can our Law Director explain to everyone what a policy is. It is not an ordinance. It is a policy, so what would that require?

Law Director Crites: I'm not sure what you are asking.

Council Member Butkowski: When I spoke with Mr. Fursdon regarding earth and dams, I was told that it is a policy of the City to put those in. I asked for an ordinance number and where it was in our ordinance book and it is not in there.

Law Director Crites: I think the way you explained it the second time, it made it somewhat self

explanatory. It being a policy means, obviously, something that is a measure of discretion of the City Official to do what is best for the City. If it is a policy and someone in their expertise feels that it should be mandated, it then becomes ordinance and is no longer discretionary. The point being, you wouldn't be able to cite somebody for being in violation of policy.
Mayor Gillock: When we had a meeting, I was informed that we had an ordinance that required the clay dams and subsequently found out that it is just a policy, it is not an ordinance. The reason it's a policy and not necessarily something that we always inspect for is because not all of our soil would be susceptible to put in clay dams that work. In many cases, it is sandy where the water would just go around it. The Engineer could speak more to that than I can but clay dams where they would work are not any more expensive, in fact, it would be less expensive than putting the gravel down, so there is no reason for a developer not to do that. However, if the Engineer would like to add to that, I would appreciate it.
Engineer Griffith: What the Mayor says is correct. That was a policy that was introduced back when Stewart Lovece was the City Engineer and has continued since that time. Our inspectors are not always on the site when that clay dam is put in. Many times they are, but not always. We cannot say one hundred percent that they are always there.
Council Member Young: Mr. President, first off, I would like to thank Barbara Eden for coming before us today on behalf of her development and speaking to us in a very respectful manner with a definite outline that points out what the problems are, as opposed to just coming before Council and ranting and raving about things that are out of her control. I trust that if she went to Oster Construction with the same respect, it is a shame that they did not respond to her concerns and I feel that Oster needs to realize that there are a lot of votes that come before this Council involving any future development that they have and if Oster Construction is synonymous with problems that residents and voters coming to us with their problems, than Oster Construction is in big trouble in this City. So, I would ask Oster Construction to reevaluate their stance on this, maybe talk with the residents and see if Oster Construction can do something about it. In the meantime, I would like to ask the Law Director to develop legislation in mind with our policy to require and mandate these dams so that we can then pass it and pass it by emergency, so that we can stop this awful practice. In regards to the streets, I would like to ask the Sidewalks and Streets Committee to review possibly posting signs and maybe even creating legislation. If this is already being done, I would like to thank the Mayor for already being underway on that regard and it sounded from the background that, that is already being done. I thank Ms. Eden for coming to us with respect as opposed to being very angry and using the open mic. as a bully pulpit. Hopefully, we can address your concerns and do so in a timely fashion.
Council Member Jaenke: Mr. President, I would like to ask the Law Director a question. Is it illegal for the City to deny all future building permits to Oster Construction until these problems have been resolved?
Law Director Crites: Legal is a loaded question. Would we be able to? I think it would be in our discretion or power to do so. I am not sure how deeply I would want to comment on that. I think our City would be best served if you allowed me to take a look into that and we then can discuss it at length within a Committee before I shoot from the hip and give an across-the-board response to that.
Council Member Jaenke: My feeling is, rather than have a moratorium, which would affect all of

the good builders, we might be better off to deny all future permits for Oster Construction until the residents have been satisfied. If you would be so kind to look into that.
Law Director Crites: Yes.
Mayor Gillock: For Council's edification, I am certainly not standing up for Oster, but many of you were not there. There were probably about 100 residents there at this meeting and they were all very respectful. They brought up very valid points and we are addressing them. There was a representative from Oster there and made some statements that were rather shocking at the time. One of the comments made was that he was not aware of any flooding issues and I know that they have been talking to them for some time about this. I would point out that Oster built in other areas of this City where we haven't had these problems and in fact, Stone Creek is in three phases and all the problems are in phase one. There are a lot of things that Council may not be aware of that we would be certainly willing to sit down and bring you up to speed, but we will be meeting with Oster and we will be responding to the citizens. In fact, the Engineer has already written a letter to Oster with several of the items that the residents brought up that evening, instructing them that they had to be corrected forthwith. There are problems with grading, sump pump lines going into the retention areas and fabric filters. There are a lot of things that added up to this, which they have legitimate complaints and we are addressing them with Oster.
President Arndt: So what I am hearing is the power of the Administration is moving forward to really make something happen here.
Council Member Buescher: Just a comment that if these particular people have the type of soil that where this is policy to put these clay dams in, then it should be the same as having them be required to do that even though it isn't mandated. If it is policy, it needs to be followed or we are showing favoritism to one developer over another. So, it needs to be carried out and I hope that they will be held accountable.
President Arndt: Any other comments from Council or Administration. Mrs. Eden, apparently, you have garnered the support of your Council persons and your Administration. To echo what Mr. Young said, it is wonderful to have someone approach us and speak with courtesy, respect and intelligence. It really makes it so much easier for us to support you. We appreciate that.

2) Sheldon Price stated, that he was there representing the VanGorder's, located at 7348 Xavier Court, noting that he was a site contractor. Explained that they have a similar problem with flooding of sewer water in that area and he has tried to reach Randy Speidel to receive answers and he hasn't received a returned phone call. He asked Council and the Administration to just keep the residents informed as to what the problems are and how they might be resolved.
Safety-Service Director Johnson: Mr. President, I've been in contact with one or two of the residents over there. The service garage went through the sewer system, jetted it, and ran a camera through it. It was found that it is a pristine sewer system and there's nothing wrong on the street. We have since talked with our Foreman in the Service Department and we feel that there may be a problem with a sewer line bridge that was added at Root Road sometime after that development was built. We are looking into that. However, we have to see what happens when we have a heavy flow and that is kind of what we are waiting for to try to visualize the problem. From what we can see, it is not coming from the Xavier Court area, it is coming from off site. We are working on it and we are trying to locate it.

President Arndt: Mr. Price, should there be those challenges, it has been my experience, that if you contact the Safety-Service Director, as others have done, he will be very responsive. So, you have a second line of defense, should you need that.

3) Angelina Huffman of 6070 Eastview Avenue expressed her concerns related to flooding problems with a different builder, Moreland Homes, who has received several complaints and has been in the news media since 1999. She explained that during the excavation, she was told that she had to connect to the main and explained other problems found during that time. She believes that this home was inspected in 1987 and plumbing codes were not met during this inspection and the inspection passed. She asked if the City would make the builder responsible for the damage that they have done to their homes, but also to protect them from further damage by checking their streets.
President Arndt: Mrs. Huffman, what has been your success in contacting the builder?
Mrs. Huffman: I bought the house when it was six years old. My first attempt with Moreland was this Spring, after moving in and I was told since I was not the original buyer, that I had no recourse. I have written a letter to Moreland Homes. I hand delivered it and was told basically to go away. The sewer problem seems to be the biggest problem that we have. Our City here in North Ridgeville has a lot of sewer problems and we are trying to build and make the City better. These sewer problems on my street are not caused by the City's inadequacy, but by that of a builder. That is why we are hoping that the City will back us and make the builder responsible. He has not returned any phone calls and each time something is broke, I have sent him a letter

4) Terri Barish of the Stone Creek Development is here representing Angelina as she owned a Moreland home on Eastview. She explained that she ended up having to contact an attorney to contact Mr. Frank Dettore to have her home taken care of properly. She stated that they did come out and fix some of the problems, however, the results were horrible and she explained this in detail.

5) Paul Papes of 5240 Lear Nagle Road expressed his concerns relating to the heavy traffic on his street and asked if that street could receive a 25 mile an hour zone as Pitts and Mills Road. Explained that both of those streets have sidewalks. Spoke about flooding concerns and expressed his opinion relating to the Police Department. Asked how the City allows the patrolmen to take the City cars home and questioned the cost to the City to allow this.

6) James Gordon of 37165 Stone Creek asked if North Ridgeville has a standard of care ordinance relative to new home construction and if that could be investigated. Explained his reasons for this type of ordinance and why other cities use it.
President Arndt: It sounds as though our Law Director has some research to do.
Law Director Crites: I most certainly will as I am not familiar with that type of ordinance and I will talk to our Chief Building Official and our Engineer to see what we can come up with. Are you familiar with any specific cities as you referenced that some other cities have this?
Mr. Gordon: I can certainly find that out and deliver that information to you.
President Arndt: So, if you'll contact Mr. Crites with that information, that way you will get

some first hand care here. The standard of care here will be handled.

President Arndt: Who else in the audience would like to approach and speak to your City Council? There being none, I really want to thank everybody for their civility and giving us an opportunity to do what we need to do to help and move forward.

moved by Arndt, seconded by Butkowski to suspend 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

ORDINANCES AND RESOLUTIONS:

President Arndt: Dr. Norris, will you please read our Ordinances and Resolutions.

- **Ordinances & Resolution Submittals**

Clerk of Council Norris:

T 129-2005 A 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 Butkowski, seconded by Swindig to suspend By-Laws to give T 129 its' first reading tonight

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

Yes, 7 No, 0

T 130-2005 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

moved by Swindig, seconded by Butkowski to suspend By-Laws tonight to give T 130 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 131-2005 A RESOLUTION ADOPTING THE 2005 COMMUNITY HOUSING IMPROVEMENT PROGRAM (C.H.I.P.) POLICY AND PROCEDURES MANUAL FOR THE CITY OF NORTH RIDGEVILLE, OHIO.

moved by Olesen, seconded by Swindig to suspend By-Laws tonight to give T 131 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 132-2005 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT(S) ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER(S) FOR THE PURCHASE AND INSTALLATION OF FOUR ACTUATORS AND ALL APPURTENANCES FOR THE FRENCH CREEK EQUALIZATION TANKS, NOT TO EXCEED $50,000.00.

moved by Swindig, seconded by Young to suspend By-Laws tonight to give T 132 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

- **First Readings**

President Arndt: We now move to our first readings for the evening. Dr. Norris, will you begin with T 101.
Clerk of Council Norris: First Readings before Council include:

T 101-2005
4186-2005 AN ORDINANCE AMENDING NRCO SECTION 1228.01(B) ADDING A PROVISION FOR THE DEPOSIT OF LEGAL FEES.

First Reading

moved by Young, seconded by Butkowski to dispense with the second and third readings tonight

President Arndt: Is there any discussion?
Mayor Gillock: I believe that the Law Director would like to make an amendment to this.
Law Director Crites: Yes, I am begging Council for a motion to amend this by substitution to now read as indicated on the ordinance handed out today. There were some minor amendments made after a meeting with our City Auditor, Mr. Costin, relating to how these additional fees imposed on developers will be allocated and distributed throughout the City.

moved by Young, seconded by Butkowski to amend T 101 by substitution as described by our Law Director

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

Yes, 7 No, 0

President Arndt: In addition, we have a motion on the floor by Mr. Young and a second by Mrs. Butkowski to dispense with our second and third readings tonight on T 101 as amended. Is there any discussion?
Council Member Young: Mr. President, the reason I am asking to suspend the second and third readings and hopefully adopt tonight is because it seems as though the Law Department is going to be flooded with work as a result of a lot of the concerns raised tonight by the citizens here in North Ridgeville. I would like to give the Law Department any and whatever resources necessary in order to stop the developers from shoddy practices that they have been undertaking the past few years.

President Arndt: Point well taken. Thank you, Mr. Young. Any other discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

moved by Young, seconded by Butkowski to adopt

moved by Butkowski, seconded by Young to add the emergency tonight to T 101 as amended in order that we redo the ordinance so that the fees are allocated to the Law Department

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

Yes, 7 No, 0

President Arndt: In addition, we have a motion on the floor by Mr. Young and a second by Mrs. Butkowski to adopt T 101 as amended with the emergency. 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 101 is adopted with the emergency and becomes permanent ordinance 4186-2005.

Permanent Ordinance No. 4186-2005

T 133-2005 AN ORDINANCE OF THE CITY OF NORTH RIDGEVILLE, OHIO
4187-2005 CONDITIONALLY APPROVING THE REQUEST FOR AN ASSIGNMENT OF THE CABLE TELEVISION FRANCHISE FROM COMCAST TO TIME WARNER.

First Reading

moved by Swindig, seconded by Young to suspend second and third readings tonight on T 133-2005

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

Yes, 7 No, 0

moved by Swindig, seconded by Butkowski to adopt

moved by Swindig, seconded by Olesen to add the emergency tonight to T 133 with the purpose being the federally mandated 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: In addition, we have a motion on the floor by Mr. Swindig a second by Mrs. Butkowski to adopt tonight T 133 with the emergency. 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 133 is adopted with the emergency and becomes permanent ordinance 4187-2005.

Permanent Ordinance No. 4187-2005

T 129-2005 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS

1056-2005 DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

First Reading

moved by Swindig, seconded by Young to dispense with the second and third readings tonight on T 129

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

Yes, 7 No, 0

moved by Butkowski, seconded by Young to adopt

moved by Butkowski, seconded by Young to add the emergency tonight to T 129 because of the deadline when it is due to the County

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

Yes, 7 No, 0

President Arndt: Finally, there is a motion on the floor by Mrs. Butkowski, seconded by Mr. Young to adopt tonight T 129 with the emergency. 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 129 is adopted with the emergency and becomes permanent resolution 1056-2005.

Permanent Resolution No. 1056-2005

T 130-2005 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

1057-2005 First Reading

moved by Young, seconded by Butkowski to dispense with the second and third readings tonight on 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

moved by Swindig, seconded by Butkowski to adopt T 130

Council Member Swindig: Mr. President, there is no need for the emergency on this one.

President Arndt: Is there 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 130 is adopted and becomes permanent resolution 1057-2005.

Permanent Resolution No. 1057-2005

T 131-2005 A RESOLUTION ADOPTING THE 2005 COMMUNITY HOUSING

1058-2005 IMPROVEMENT PROGRAM (C.H.I.P.) POLICY AND PROCEDURES MANUAL FOR THE CITY OF NORTH RIDGEVILLE, OHIO.

First Reading

moved by Young, seconded by Swindig to dispense with the second and third readings tonight on T 131

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

Yes, 7 No, 0

moved by Young, seconded by Olesen to adopt

moved by Young, seconded by Olesen to add the emergency tonight to T 131 in order to complete the implementation of this program to allow for the necessary funding for housing improvements prior to the cold season

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

Yes, 7 No, 0

President Arndt: Additionally, we have a motion on the floor by Mr. Young, a second by Mr. Olesen to adopt tonight T 131 with the emergency. 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 131 is adopted with the emergency and becomes permanent resolution 1058-2005.

Permanent Resolution No. 1058-2005

T 132-2005
4188-2005

AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT(S) ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER(S) FOR THE PURCHASE AND INSTALLATION OF FOUR ACTUATORS AND ALL APPURTENANCES FOR THE FRENCH CREEK EQUALIZATION TANKS, NOT TO EXCEED $50,000.00.

First Reading

moved by Swindig, seconded by Young to dispense with the second and third readings tonight on T 132

President Arndt: Is there any discussion? Is there any need for emergency on this?

Safety-Service Director Johnson: None that he indicated to me.

President Arndt: Any further 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 tonight T 132

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

Yes, 7 No, 0

Clerk of Council Norris: T 132 is adopted and becomes permanent ordinance 4188-2005.

Permanent Resolution No. 4188-2005

- **Second Readings**

President Arndt: We now move to our second readings and Dr. Norris, if you will begin please with T 114.

Clerk of Council Norris:

T 114-2005 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: BACK PORTION OF 37491 SUGAR RIDGE ROAD CONSISTING OF APPROXIMATELY 14.77 ACRES CONTIGUOUS TO WATERBURY PCD AND SHOWN BY LEGAL DESCRIPTION BELOW; FROM R-1 RESIDENCE DISTRICT TO PCD PLANNED COMMUNITY DEVELOPMENT AS PETITIONED BY JAMES P. MARTYNOWSKI, FOREST CITY LAND GROUP, INC.
Second Reading

T 115-2005 A RESOLUTION GRANTING PRELIMINARY APPROVAL FOR THE PROPOSED PLANNED COMMUNITY DEVELOPMENT SITUATED ON APPROXIMATELY 14.77 ACRES ON THE BACK PORTION OF 37491 SUGAR RIDGE ROAD CONTIGUOUS TO WATERBURY PCD AND TO BECOME PART OF WATERBURY PCD.
Second Reading

T 116-2005 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: VACANT PROPERTY KNOWN AS PERMANENT PARCEL NUMBER 07-00-016-112-027 AND PART OF PERMANENT PARCEL NO. 07-00-016-112-045 (AS SHOWN BY LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE DISTRICT TO B-3 HIGHWAY COMMERCIAL DISTRICT AND OWNED BY VALORE PROPERTIES, INC. AND RINI REALTY CO.
Second Reading

T 117-2005 AN ORDINANCE AMENDING NRCO SECTION 1030.12 - DUTIES OF PRIVATE OWNERS.
Second Reading

T 125-2005 AN ORDINANCE APPROVING THE FINAL PLAT OF PHASES 6, 7 AND 8 IN WATERBURY PCD FOR RECORDING PURPOSES ONLY.
Second Reading

- **Third Readings**

President Arndt: We have no third readings tonight. Is there any old business to be brought before Council tonight?

UPCOMING MEETING ANNOUNCEMENTS:

President Arndt: Before I ask Dr. Norris to read our upcoming meeting announcements tonight, Mr. Olesen has something he would like to share.

Council Member Olesen: Yes, Mr. President, I have been asked by Rita Price, our Senior Director to again, put out the plea for additional drivers for the meals on wheels program. These meals go out to a lot of people who can't get out for those type of meals. We need drivers to go out to three different communities. You can pick where you want to go. It is about two hours a week. So, if we can get anybody who is interested in doing this, please call Rita Price at the Senior Center. My second announcement, Mr. President, is a reminder that the Spaghetti Dinner for the Senior Center is this Friday.

President Arndt: Thank you, Mr. Olesen. Any other announcements by Council persons? Dr. Norris, would you please read our upcoming meeting announcements.

Clerk of Council Norris: Upcoming meetings include:
Public Hearing Monday, November 7, 2005 at 7:15 p.m. re: T 114-2005, T 115-2005 and T 125-2005

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

ADJOURN:

moved by Swindig to adjourn
President Arndt: Meeting adjourned.

Meeting adjourned at 9:03 P.M.

MOTION Butkowski 2ND Jaenke DATE November 7, 2005

YES 6 NO 0 ABSTAIN 0

PRESIDENT OF COUNCIL DR. RONALD F. ARNDT

CLERK OF COUNCIL CHARLES A. NORRIS