NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING OCTOBER 16, 2006

CALL TO ORDER: 7:30 P.M.

President Ronald Arndt: The Chair calls to order, the North Ridgeville City Council Regular meeting dated Monday, October 16, 2006. If you will all rise for our Invocation, followed by our Pledge.

INVOCATION: lead by President Arndt.

PLEDGE OF ALLEGIANCE: by all.

President Arndt: Just a note before we begin, Mrs. Butkowski will be unable to attend this evening and hopefully we will see her at our next meeting. Dr. Norris, if you will take our roll, please.

CALLING OF THE ROLL - ROLL CALL:

Present were Council Members Nancy Buescher, Dennis Boose, Richard Jaenke, Bob Olesen, Gayle Manning and President Ronald Arndt.
Absent was Council Member Bernadine Butkowski
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

MINUTES - Corrections (if any) and Approval:

Clerk of Council Norris: Council has before it:

Minutes of the regular meeting held October 2, 2006.
moved by Boose, seconded by Manning to approve the Council minutes of our regular meeting dated October 2, 2006
President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?
Yes, 6 No, 0
Clerk of Council Norris: Minutes are approved. Council will also please note in their packets this evening are the:

Board of Zoning & Building Appeals Minutes of regular meeting September 28, 2006;
Civil Service Commission Minutes of a special meeting September 29, 2006; and
Planning Commission Minutes of regular meeting October 10, 2006.

MAYOR AND DIRECTORS REPORTS:

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

- **Mayor:**

Mayor Gillock: Thank you, Mr. President. I have a number of items to bring to your attention this evening, so let me start off with some good news for the City. Last week, the City received an award from the Smart Growth Foundation recognizing the City for its efforts toward the principles promoted by the Smart Growth Coalition. Ordinances, such as our Special Development District, the Senior Development, and Storm Water, contributed towards our recognition. This is the plaque that we will be hanging somewhere in City Hall. This prestigious award is given to the outstanding municipality within an eleven county area served by the Smart Growth Coalition and is sponsored by KS Associates in Elyria. We are honored to be recognized and we'll proudly display this new sign.

On the other side of the coin, let me bring you up to date on the Tops Grocery Store situation. Our Tops Store is not one of the ones that were acquired by Giant Eagle and pursuant to the Worker Adjustment and Retraining Notification Act of 1988, Tops has notified us that beginning December 7, 2006, they anticipate the shut down of that store and will be eliminating 67 jobs at that location. I have written to other groceries that might be interested, but the future at that location is certainly unclear. I do know there are inquiries from other chains and do hope that something positive develops in the near future in regards to that location.

Earlier today, I received hot off the press, the 2006-2007 Issue of the North Ridgeville Magazine. This will be mailed to all residents and has a wealth of valuable information in it as well as some very informative stories on some of our oldest businesses and interesting residents. Just a reminder that this magazine is published at no cost to the City, but is paid for by the advertisers in the magazine.

As colder weather approaches, we have had several phone calls regarding NOPEC and the gas aggregation program. Currently, NOPEC has been unable to find a contract that can compete with what Columbia Gas is already offering. The electric aggregation plan with First Energy Solutions will remain in effect and will continue through the end of 2007. We did perform a comparison ourselves through the PUCO website and the rates through Columbia Gas were the most favorable that we could find out there. NOPEC does continue to look. However, at this time, there is no aggregation program for the gas.

Just a reminder, Halloween will be from 6:00 p.m. to 7:30 p.m. on October 31. Leave your porch lights on if you wish to participate.

Recently, the City received new maps from FEMA, the Federal Emergency Management Agency. As we anticipated, several of the improved areas are incorporated into the new maps. Not anticipated, was the fact that there are some new areas that are now in flood zones that were not in the current maps. Parts of Terrell Court and the west side of Lexington, for example, are now in a flood zone. You can contact our Building Department if you have questions or would like to see the maps. These maps are not put out by the City and we don't have any input into them. However, we will be glad to assist in any way we can. Late today, I received a letter from FEMA providing more information and announcing an open house that we would like to bring to your attention. This letter is from the U.S. Department of Homeland Security, FEMA Department. The Department of Homeland Security Federal Emergency Management Agency has initiated a multi hazard flood map modernization effort which will result in the improved accuracy and expanded utility of the Nation's current flood maps resources. Through FEMA's multi year map modernization project, the Nation's flood maps will be converted to a digital format, including the best available flood risk data to be used with the National Flood Insurance Program. This will expand your community's ability to manage your flood programs and ultimately increase your capability for multi hazard information management. An important and necessary component is to offer an opportunity for you, your officials and local residents to preview the flood insurance maps, ask questions and provide us with your feedback. Working with officials from Lorain County, they have scheduled the following open house meeting: Wednesday, November 15, from 4:30 p.m. to 7:30 p.m. at the Carlisle Township Town Hall. I will repeat that as this is an important meeting. You can still contact our Building Department and we will be glad to show you the maps. They are much clearer now as you can look at a structure and tell exactly whether it is or is not in a flood zone. There are many structures that were not in the flood zone that are now. This is critical information to many people. The impact of this to residents is that if you go to finance your home or sell your home through the buyer's financing, you will be required to buy flood insurance, which runs somewhere around 700 to 800 dollars per year. This can have a significant impact. If you are near one of these areas, you want to do what you can. Again, the open house is Wednesday, November 15 from 4:30 p.m. to 7:30 p.m. at the Carlisle Township Town Hall. I suspect that one meeting will not be enough. The purpose of that meeting will be of particular interest to residents living in or near flood zones, Realtors, Insurance Agents, Developers and Living Institutions. FEMA representatives will be there. Please put that on your calendar.

The Parks and Recreation Department would like to have verbal approval to expend 4,000 dollars from the Park and Recreation Improvement Fund to cover material for paving the existing gravel parking lot located near diamond six at the Shady Drive Complex. We would like to get this done this year. The motion to pass this was approved five to zero by the Parks and Recreation Board.

moved by Gillock, seconded by Boose to approve the expenditure of 4,000 dollars from the Parks and Recreation Improvement Fund to cover the cost of the materials for paving the existing gravel parking lot located at Shady Drive

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, just a little information for the rest of Council. The North Ridgeville City Baseball Boosters donated money earlier this year to pave the parking area just as you enter the Shady Drive Complex on the west side of the drive. This is an addition to that. The paving will be around the bend and in the drive next to the Service Garage, which is used by the Maintenance Department employees and a lot of people park there. This will be a great addition and money very well spent.
President Arndt: I appreciate that Mr. Boose. Is there any other discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?
Yes, 6 No, 0
Clerk of Council Norris: Motion is approved.

Mayor Gillock: Thank you. You will find at your desk this evening, three ordinances T 150, T 151 and T 152 requesting approval for BAN's to be issued for a number of projects. T 150 is for 300,000 dollars in notes to acquire an existing building. This would be the old telephone building at Maddock and Center Ridge Road. T 151 is for 200,000 dollars in notes, which half is for a Splash Zone at South Central Park and the other half is for the acquisition of the old gas station at Center Ridge Road and Route 83. T 152 is for 100,000 dollars to improve a bridge on Chesterfield Drive. This is a total of 600,000 dollars.
moved by Mayor Gillock, seconded by Olesen to suspend our By-Laws tonight to give T 150, T 151 and T 152 their first reading tonight
President Arndt: Is there any discussion?
Auditor Chris Costin: I was going to mention this under my report. However, as long as we are on the subject matter, we had talked about the acquisition of various property that we included on the agenda today. These are the BAN's to finance each of these acquisitions. With regard to the acquisition of certain land at Westfield Drive, there are some financing issues for that particular project. Without getting into a lot of detail at this time, what we did to avoid those issues was that we simply determined to issue BAN's for the like amount of money for Chesterfield Bridge, which was appropriated earlier in the year in March. What we will do then, is issue the BAN's for that project, which will be starting shortly and use the monies that were appropriated for Chesterfield and apply them to the acquisition of Westfield Drive. The BAN's will be issued for Chesterfield and the money that was appropriated previously will simply be flip-flopped to use to purchase the land at Westfield Drive.
President Arndt: Thank you, Mr. Costin. Is there any other discussion? There being none, all those in favor signify by yes. All those opposed by no? Any abstentions?
Yes, 6 No, 0

Mayor Gillock: Thank you, Mr. President. Finally, through our Blue Bag "Recycle and Win" Program, we would like to pick this year's grand prize winner. Each month, from April through September, four residential addresses were randomly selected from each of the four Wards of the City. A visual inspection was done by our Utility's Supervisor at each location to determine if that household participates in the recycling program. If the home had at least one blue bag out for collection that day, they received a 50 dollar gift card for use at one of our local businesses that participated including Giant Eagle, Tops, Sheetz, Speedway, CVS, Rite-Aid, Walgreens and

Ace Hardware. We want to thank those merchants for participating. Of the sixteen winning locations selected each month; the one household that recycled the most is then included in a grand prize drawing from all of the six monthly top recyclers for the grand prize of a 200 dollar gift card to one of the participating local merchants. The six monthly winning finalists are Terry and Shirley Rogers, Alex and Joyce Bentsmen, Stella Springer, Julia Lancaster, Darrell Christian and Linda Ramirez. Before Larry came to the meeting tonight, I placed six tickets up here face down with those names on them and if Larry would do the honor and pick one of those six tickets, we could announce the winner for the grand prize. Thank you. The winner is Darrell Christian from Dickens Circle. We want to congratulate him as the winner of the 200 dollar gift certificate. Our Utilities Department will contact Mr. Christian. This is one of the programs that has worked really well and as a side note, one of the ordinances that we have working its way through is to pay our Recycling Coordinator. This is not a new position. This is something that our Utility's Supervisor already does. This is just one facet of that program, in which Jim has brought in over 1,000,000 dollars in Recycling Grant money. We appreciate him putting this program together and running it. It is up to each and every one of us to do our part in preserving our precious resources and help make the world a cleaner and safer place for us all. Remember, with the Recycle and Win Program, recycling pays in more ways than ever. That concludes my report.

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

- **Safety-Service Director:**

Safety-Service Director Johnson: Mine won't be quite as long or thorough. Thank you, Mr. President. With the Fall season upon us, we are again faced with an abundance of leaves in our ditches and creeks. Many of these leaves find their way to these ditches and creeks naturally and our Service Department can deal with them. What we can't deal with are those that are raked or blown into or near the waterways. Residents that rake or blow leaves into the waterways risk flooding themselves and their neighbors as the leaves flow downstream and clog the system. Leaves can be mulched, composted or bagged and left for pickup with the normal Tuesday waste collection. Please be a kind to your neighbors and help us keep our waterways flowing freely.

I would like to request the passage of two issues on the agenda tonight. T 143 and T 144 are both projects Council has seen before, but costs have come in above projections. We would like to get these projects underway so they can be completed before we experience an outage or failure at the French Creek Waste Water Treatment Plant. The emergency clause is not necessary, but we would like to have them passed tonight.

Finally, I'd like to explain T 145 on your agenda tonight. I understand the Auditor has indicated that we do not need an ordinance for this purpose. I would ask that Council give us verbal approval for this expenditure if the ordinance is dropped from the agenda. This request would make funds available for the timely replacement of street flags. We currently rely on donations to replace these flags and it's just not reliable enough. We would like to replace about one third of our inventory, with the intention of replacing another one third each year to keep the stock fresh. We will, of course, continue to accept and encourage donations to assist public funding of this effort. Donations can be made to the City of North Ridgeville Flag Fund. That concludes my report.

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

- **Engineer:**

City Engineer Griffith: Thank you, Mr. President. As a follow up from my report provided last week, next Saturday, October 28, Lorain County Solid Waste District Electronic Recycling will be held from 9:00 A.M. to 3:00 P.M. at the Elyria Community Church of the Nazarene on 1107 Clement Avenue in Elyria. Please call 1-800-449-5463 if you should have any questions.

Randy Spiedel and I attended a three hour long Illicit Discharge Detection and Elimination workshop on October 4. There are increased regulations coming that we must comply with. For example; by March of 2008, the City must adopt an illicit discharge ordinance similar to the model ordinance distributed during the workshop. Since we already have something similar, we may only need to tweak our current regulations. As of January 1, 2007, septic tank systems that have off-site discharge will be considered illicit unless they have a permit from the Ohio EPA. There will be a stepped-up inspection completed on these systems by the County Board of Health. All members of Council need to be aware that this may result in a push to extend sewers into the non-sewered areas, since it will be expensive to replace many of these existing septic tank systems. We will need to develop a set of rules for charity car washes. This is just a few examples that were discussed during this workshop. I just wanted to make Council aware of some of the requirements that are coming. That concludes my report tonight.

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

- **Auditor:**

Auditor Chris Costin: Very good and it is a good day. First item I have is a request for the passage of our September Report that Council has already received.

Auditor's Written Report for September 2006
moved by Boose, seconded by Olesen to approve the Auditor's written report for September, 2006
President Arndt: Any discussion? All those in favor signify by yes. All those opposed by no? Any abstentions?
Yes, 6 No, 0

Auditor Costin: T 141 is on the agenda and it represents the property tax rates and levies that we need to certify to the County. We just received this piece of legislation. However, there is a deadline in turning it in. I request that Council pass this tonight, but it does not need the emergency. The Auditor has verified the rates. They are correct and they are in the resolution. I would request that Council pass that tonight. Also, we discussed briefly, the BAN's ordinances. There are several projects that have been discussed previously that are included on the agenda this evening. It is important to note that we cannot pass any of those until we have the BAN's passed. They don't have to be passed first, but they do need to be passed tonight. One of the transactions, I believe, has to be closed by the end of the month, which means we have to pass that particular one with the emergency. As I have explained to Council previously, the advantage to passing these simultaneously is to save the City some dollars in what is referred to as soft costs, which is professional fees and related costs. So, I would request that all three BAN's ordinances T 150, T 151 and T 152 be passed tonight with the emergency. If Council chooses to pass the various land acquisitions and related subject ordinances, then we can do that tonight. However, I won't be able to approve the money until we have a commitment on the BAN's, which I should have in a few days. The process is in place to do this efficiently and economically if Council so chooses but, I would request that you pass the BAN's ordinances with the emergency.
President Arndt: For clarification, T 150, T 151 and T 152 are being requested to be passed with the emergency.
Auditor Costin: Correct and T 141 passed tonight without the emergency.
Council Member Olesen: A question, Mr. President. Does that mean we have to bring those three items to the front of the first readings?
Auditor Costin: Historically, as long as they are passed at the same meeting, we can then accept passing the regular legislation; because I can't approve the spending of that money until after the notes are committed to be purchased. That should happen in a few days.
President Arndt: Are there any other discussion or questions? Thank you, Mr. Costin. Dr. Norris if you will continue on with our other reports.

- **Other Reports:**

Clerk of Council Norris: Other reports before Council this evening include:
Fire Department Report for September 2006.

Planning Commission Report to Council of regular meeting October 10, 2006:

APPLICANT:	Fred Tavakoli, Super Lube, Inc., 7041 W. 130th Street, Parma Heights, OH 44130
OWNER:	Fred Tavakoli, 29255 Nottingham Court, Westlake, OH 44145
REQUEST:	Approval to construct a one story commercial building for a Super Lube Auto Repair Center
LOCATION:	Adjacent directly north of 35233 Center Ridge Road in a B-3 District Permanent Parcel No. 07-00-021-119-120

PC ACTION: Approved by a vote of five to zero subject to the applicant's architect's review of the front elevation of the roof with the idea of obtaining a western reserve style facade

moved by Jaenke, seconded by Olesen to approve the Planning Commission action to construct a one story commercial building for a Super Lube Auto Repair Center

President Arndt: Is there any discussion?

Council Member Jaenke: Yes, Mr. President, just to bring Council up to speed. This particular parcel is next to Chuck's Muffler Shop on Center Ridge. When the Planning Commission reviewed the front elevation of the building, it appeared that the elevation needed to be changed to provide more of a Western Reserve Style. There were a couple of thoughts. One was perhaps they could provide a gable top roof or a facade of a gable roof in terms of trying to make the building look more like a Western Reserve Style. The thought is that any new buildings or any buildings that are being remodeled or renovated, should try to provide for a theme to which the City has been trying to do for sometime. That was the reason for the discussion for obtaining some type of a Western Reserve Style on the building. The building itself was very plain, had a flat roof and quite frankly didn't have much curb appeal. That is all I have.

President Arndt: Mr. Jaenke, as I recall reading those minutes that the applicant really wasn't too enthusiastic about meeting that request.

Council Member Jaenke: That is correct and in addition, the applicant does have a problem with tying into a sanitary sewer which is not on Center Ridge. In talking with Guy Fursdon, our Building Official, he indicated that he could not and would not be provided an approved building permit without tying into a sanitary sewer. The issue is now in the owner's court in terms of how he can gain access to a sanitary sewer and that is an issue that he has to resolve. He was not very happy with our thoughts regarding the Western Reserve Style. He talked a lot about the standard type building that is built throughout the area, which is all well and good, but again, I think we need to take a hard look at any new buildings or any buildings that are being renovated to try and work toward a Western Reserve Style theme, particularly on Center Ridge Road.

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

Yes, 6 No, 0

Clerk of Council Norris: Motion is approved.

APPLICANT: Joe Schafer, Schafer Development, 1471 Lear Industrial Park, Avon, OH 44011
OWNER: Lawrence Blaser, 32154 Chestnut Ridge
REQUEST: Preliminary Plan Approval for a Cluster Subdivision
LOCATION: 32076 Chestnut Ridge Road in an R-1 District
Permanent Parcel No. 07-00-004-104-021
PC ACTION: Approved by a vote of five to zero

moved by Jaenke, seconded by Manning to approve the Planning Commission action for the preliminary plan approval for a cluster subdivision.

President Arndt: Is there any discussion?

Council Member Jaenke: Yes, again, Mr. President, just an update for Council. Joe Schafer is an excellent builder that does a lot of building in Avon. The plan that is being proposed will be an

upscale cluster type community. Mr. Blaser is the property owner and of course he is supporting this project one hundred percent. That is all I have.
President Arndt: Any other discussion? Thank you, Mr. Jaenke. All those in favor signify by yes. All those opposed by no? Any abstentions?
Yes, 6 No, 0
Clerk of Council Norris: Report is approved.

APPLICANT:	David Moore, Crown Castle GT Company, LLC, 6133 Rockside Road, Suite 205, Independence, OH 44131
OWNER:	Bentbrooke Properties, 25560 Hilliard Blvd., Westlake, OH 44145
REQUEST:	Approval to replace existing outdoor cabinets with a new prefabricated shelter for technological changes and climate control on a Cingular Wireless Cell Tower
LOCATION:	31726 Center Ridge Road in an R-1 District Permanent Parcel No. 07-00-006-102-164
PC ACTION:	Approved by a vote of five to zero subject to the applicant agreeing to provide the required statements being items 3, 4, 6, and 7 of the CBO's comments and that variances be approved for items 1, 2, and 5 of the CBO's comments

moved by Jaenke, seconded by Manning to approve Planning Commission action to replace the existing outdoor cabinets on a Cingular Wireless Cell Tower

President Arndt: Is there any discussion?
Council Member Jaenke: Mr. President, Cingular is attempting to improve service to North Ridgeville and the present equipment, which is located on the premise is not properly air conditioned and they have had some failures of that equipment over the past several months. So, they are really planning to replace the structure that houses all of the switching equipment along with providing air condition as part of the unit. They do need approval from the BZA on a couple of issues. Those appear to be minor. However, this application is really to improve the service for the community.
President Arndt: Thank you, Mr. Jaenke. Mr. Olesen?
Council Member Olesen: Yes, I had a question and I'm not sure if anyone in the room can answer this. We have a lot of cell tower owners in the City. Is this a precursor to everyone who owns this type of facility in the City to improve their towers?
Council Member Jaenke: It could be. This particular facility was installed several years ago and with the technology moving as fast as it is, to try and improve service by including the air conditioned structure is the wave of the future.
President Arndt: Is there any other discussion?
Council Member Boose: Mr. President, the only comment I had was in regards to the variances that were approved for items one, two and five. One and two refer to buffering and the plantings there. There was some discussion about how the current property is relatively close to some trees on the adjacent property and that they didn't feel that there was enough room there to properly put new plantings. I would just like to see these types of structures be hidden or guarded by plantings as much as possible. So, even though the committee recommended to

approve, I hope that something can be worked out so that these structures can be guarded by some sort of plantings.
President Arndt: Thank you, Mr. Boose. Anyone else? There being none, all those in favor signify by yes. All those opposed by no? Any abstentions?
Yes, 6 No, 0
Clerk of Council Norris: Report is approved.

APPLICANT: FJD Properties, LLC, 37000 Center Ridge Road
OWNER: City of North Ridgeville, 7307 Avon Belden Road
REQUEST: Revision of the Final Approval of Meadow Lakes Subdivision No. 8 to remove the traffic circle located on Meadow Lakes Blvd.
LOCATION: North of Center Ridge Road, South of Barres Road, West of Stoney Ridge Road in a B-2/B-3 District
Permanent Parcel No. 07-00-033-900-001
PC ACTION: Approved by a vote of five to zero
moved by Jaenke, seconded by Manning to approve the Planning Commission action for the revision of the final approval of Meadow Lakes Subdivision No. 8 to remove the traffic circle located on Meadow Lakes Blvd.
President Arndt: Is there any discussion?
Council Member Jaenke: Mr. President, this traffic circle was part of the original approval several years ago and at this point, the way this area is being developed, just isn't practical. FJD Properties did agree that they would provide another access off of Center Ridge to tie into Meadow Lakes Blvd. Their engineering firm is in the process of trying to determine how that can happen. However, the traffic circle on the existing layout, just doesn't make any sense.
President Arndt: Thank you, Mr. Jaenke. Any other discussion? There being none, all those in favor signify by yes. All those opposed by no? Any abstentions?
Yes, 6 No, 0
Clerk of Council Norris: Report is approved.

APPLICANT: Joseph E. Almady, Forest City Land Group, 50 Public Square, Suite 1050, Cleveland, OH 44113
OWNER: Sugar Chestnut, LLC, c/o FCLG, 50 Public Square, Suite 1050, Cleveland, OH 44113
REQUEST: Cluster Site Plan Approval for Waterbury Subdivision No. 3A, Block K formerly known as The Pines
LOCATION: Fronting Terrell Drive in Waterbury PCD
Permanent Parcel No. 07-00-035-102-096
PC ACTION: Approved by a vote of five to zero
moved by Jaenke, seconded by Manning to approve the Planning Commission action for the cluster site plan for Waterbury Subdivision No. 3A, Block K
President Arndt: Is there any discussion?
Council Member Jaenke: Mr. President, Forest City did have some sketches of the proposed houses that would be built there. These would be cluster two-story houses and very attractive.

The price range in the 200s. What we saw during the Planning Commission Meeting was very positive for this particular area.
President Arndt: Thank you, Mr. Jaenke. Any other discussion? All those in favor signify by yes. All those opposed by no? Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: Report is approved.

APPLICANT	Joseph E. Almady, Forest City Land Group, 50 Public Square, Suite 1050, Cleveland, OH 44113
OWNER:	Sugar Chestnut, LLC, c/o FCLG, 50 Public Square, Suite 1050, Cleveland, OH 44113
REQUEST:	Final Approval for Waterbury Subdivision No. 3A, Block K formerly known as The Pines
LOCATION:	Fronting Terrell Drive in Waterbury PCD Permanent Parcel No. 07-00-035-102-096
PC ACTION:	Approved by a vote of five to zero

moved by Jaenke, seconded by Manning to approve the Planning Commission action for the final approval for Waterbury Subdivision No. 3A, Block K

President Arndt: Is there any discussion?
Council Member Jaenke: Mr. President, this is really a companion request to the one that was just approved. The two go together.
President Arndt: Any other discussion? All those in favor signify by yes. All those opposed by no? Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: Report is approved.

T 126-2006	AN ORDINANCE ACCEPTING 778 SQUARE FEET OF PERMANENT PARCEL NO. 07-00-014-105-020 ON THE SOUTH SIDE OF LORAIN ROAD AND DEDICATING IT FOR PUBLIC PURPOSES.
PC ACTION:	Approved by a vote of five to zero

moved by Jaenke, seconded by Manning to approve the Planning Commission action to approve T 126

President Arndt: Is there any discussion?
Council Member Jaenke: As we know, this ordinance refers to the intersection of Lorain and Root Road. This is on the south side of the street, which is where the Church property sits. Obviously, we will need an easement in order to complete the widening of that particular intersection.
President Arndt: Thank you, Mr. Jaenke. Any other discussion? All those in favor signify by yes. All those opposed by no? Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: Report is approved.

T 130-2006 AN ORDINANCE AMENDING SECTION 1226.08 EASEMENTS.

PC ACTION: Approved by a vote of five to zero

moved by Jaenke, seconded by Manning to approve the Planning Commission action on T 130

President Arndt: Is there any discussion?
Council Member Jaenke: Mr. President, Council has already talked about this particular ordinance and again, just to remind everyone that what we are doing here is simply clarifying the easements as to whether it be a drainage easement or utility easement. This will assist the Engineering Department in answering any questions pertaining to those two types of easements.
President Arndt: Any other discussion? All those in favor signify by yes. All those opposed by no? Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: Report is approved.

President Arndt: Dr. Norris, please continue on with our Council Committee Reports.

COUNCIL COMMITTEE REPORTS:

1) UTILITIES COMMITTEE REPORT #05631, October 9, 2006. Members of Council, we have considered the matter of a study to comply with new monitoring requirements by the EPA, ISDE Initial Distribution System Evaluation and recommend that this request be approved and the Mayor to negotiate a contract to be approved by Council. Signed by Chairperson Buescher and Members Olesen, and Butkowski.

moved by Buescher, seconded by Olesen to accept Utilities Committee Report #5631

President Arndt: Is there any discussion?
Council Member Buescher: Mr. President, I would ask that the Mayor provide an explanation.
Mayor Gillock: This is one of those unfunded mandates from the EPA that we often hear about. The EPA has published new monitoring requirements in accordance with our water system. There are certain additional monthly checks that we have to do as well as complete an entire study of our water system, which is what this is authorizing us to price out and enter into a contract. This is a requirement of the City to meet the EPA mandate.
President Arndt: Thank you, Mr. Mayor. It is the unfunded stuff that makes you absolutely crazy. All those in favor signify by yes. All those opposed by no? Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: Report is approved.

Mayor Gillock: Mr. President, I would like to add that as an example of one of the studies they are asking the City to track is how long it takes water to travel from any one point in the City to an outfall. This request to track and document is simply in case there is a pollution incident. It will help them trace it back.

President Arndt: Thank you, Mr. President. We will now move to our correspondence section of our meeting and Dr. Norris if you will begin with the first of three.

CORRESPONDENCE:

Clerk of Council Norris: Three items of correspondence includes the first item:

1) Received a letter from James Hershey requesting to exchange two graves at Fields Cemetery.
President Arndt: THE CHAIR REFERS THIS TO THE ADMINISTRATIVE COMMITTEE.

2) Received a letter from Sandra Strohsack, Lorain County Commissioners Administrative Assistant announcing a prescription discount program to the residents of Lorain County effective September 30, 2006.

3) Received a letter from Maureen Mizerak, Director of the Conflict Resolution Center of the West Shore, Inc. offering a pilot project for a county-wide mediation program available for families and neighbors through the collaboration and support of the Lorain County Prosecutor's Office and the Lorain County Chief's Law Enforcement Association and noting that the service is free for Lorain County residents as it relates to neighborhood disputes.

President Arndt: We now move to one piece of new business and Dr. Norris if you would please read that for us.

NEW BUSINESS:

Clerk of Council Norris: The item of new business this evening is:

Received a petition for a change in zoning classification for property at 32991 Butternut Ridge Road from R-1 Residence District to B-4 Commercial Parkway District and owned by Mould Development, LLC
President Arndt: The Chair requests that Dr. Norris provides us with a temporary number.
Clerk of Council Norris: The temporary number will be T 153.
President Arndt: THE CHAIR REFERS THIS PIECE OF LEGISLATION TO BUILDINGS AND LAND AND PLANNING COMMISSION.

AUDIENCE PARTICIPATION (Lobby):

President Arndt: We now have reached the Audience Participation, or lobby section of our meeting tonight and any member of our audience is invited to address your City Council. We request that you fill out the lobby form that you can find in the back of the room because it gives us the opportunity to contact you personally should there be a need for any individual follow up. You are now welcome and invited to approach your City Council. We ask that you come up to the microphone located immediately to the right of Mrs. Buescher. When you come forward, please clearly state your name and your address and limit your comments to three minutes.

1) Bob Slovak, 7145 Case Road announced that the Information Night will be held on November 2 at the North Ridgeville Library. Items to be discussed will be the amendments to the Charter.

President Arndt: What time does that meeting begin?
Mr. Bob Slovak: It will begin at 5:00 p.m. and end at 8:00 p.m. Presentations will be made throughout the three hours.

President Arndt: Thank you, Mr. Slovak. We appreciate that information.
Mayor Gillock: Mr. President, I appreciate Mr. Slovak bringing that up. The announcement to the media just went out today. This is an opportunity where the residents can come to speak to the members of the Charter Review Committee to get an understanding of what the Charter amendments are about. There are eight amendments that will be on the ballot. This is a good opportunity to learn more about them and to ask questions.
President Arndt: Is there anyone else who would like to address your City Council?

RECESS:

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

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

Yes, 6 No, 0

President Arndt: Dr. Norris, if you will begin with our ordinances and resolutions starting with T 141.

ORDINANCES AND RESOLUTIONS:

Clerk of Council Norris:

- **Ordinances & Resolutions Submittals**

Clerk of Council Norris: Ordinances and resolution submittals this evening include:

T 141-2006 NORTH RIDGEVILLE CITY RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

moved by Boose, seconded by Olesen to suspend our By-Laws tonight to give T 141 its first reading

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

Yes, 6 No, 0

Clerk of Council Norris: Motion is approved.

T 142-2006 AN ORDINANCE AUTHORIZING FUNDS FOR A CONTRACT TO BE NEGOTIATED AND ENTERED INTO BY THE MAYOR OF NORTH RIDGEVILLE AND CH2M HILL PROFESSIONAL ENGINEERING CONSULTING SERVICES IN THE APPROXIMATE AMOUNT OF $36,600.00.

moved by Mayor Gillock, seconded by Boose to suspend our By-Laws tonight to give T 142 its first reading

President Arndt: Did you need this passed tonight, Mr. Mayor?
Mayor Gillock: This money has been appropriated. This is a study of our connection charge ordinance that we have discussed with a qualified engineer. If we could pass it this evening without the emergency, that would be appreciated.
President Arndt: Thank you. Is there any discussion? All those in favor signify by yes. All those opposed by no? Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: Motion is approved.

T 143-2006 AN ORDINANCE AMENDING ORDINANCE NO. 4240-2006 (WHICH AMENDED ORDINANCE NO. 4150-2005) FOR THE RETROFITTING OF THE COMPLETE MIX TANK NO. 1 FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT, BY INCREASING THE AMOUNT FROM $300,000.00 TO APPROXIMATELY $314,000.00.

moved by Boose, seconded by Olesen to suspend our By-Laws tonight to give T 143 its first reading

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

Yes, 6 No, 0

Clerk of Council Norris: Motion is approved.

T 144-2006 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR A TURNKEY OPERATION TO THE FRENCH CREEK WASTEWATER TREATMENT PLANT'S 69 KV SUBSTATION BY FABRICATING, CONSTRUCTING, PAINTING AND FURNISHING MATERIALS AND APPURTENANCES, AND TO NEGOTIATE AND ENTER INTO A CONTRACT WITH A CONSULTING ENGINEERING FIRM TO PROVIDE PLANS, SPECIFICATIONS, BIDDING DOCUMENTS, AND CONSTRUCTION PHASE SERVICES FIRM FOR A DESIGN/BUILD PROJECT, IN THE APPROXIMATE AMOUNT OF $175,000.00.

moved by Boose, seconded by Olesen to suspend our By-Laws tonight to give T 144 its first reading

President Arndt: Is there any discussion? Mr. Mayor, just for clarification, I am not really certain what a turnkey operation to the Plant's 69KV substation might mean.
Mayor Gillock: I would like to defer your question to the Safety-Service Director.
Safety-Service Director Johnson: That just means turning over the entire operation to those that know what they are doing. It is a very high power electrical substation. Basically, what we are saying is that we are out of it and let them handle it.
President Arndt: Any other discussion? All those in favor signify by yes. All those opposed by no? Any abstentions?
Yes, 6 No, 0
Clerk of Council Norris: Motion is approved.

T 145-2006 AN ORDINANCE AUTHORIZING THE PURCHASE OF UNITED STATES STREET FLAGS AND APPURTENANCES IN THE APPROXIMATE AMOUNT OF $2,000.00.
moved by Mayor Gillock, seconded by Boose to suspend our By-Laws tonight to give T 145 its first reading
Mayor Gillock: This is the one that was stated earlier, which the Auditor stated we did not need this ordinance. If the Auditor could explain that please.
Auditor Costin: What happens from time to time is that there are things that pop up through the course of the year that we all know about, but we did not anticipate. This is one of those items that the Administration has brought to Council's attention. Council knows that before the Auditor's office approves any new expenditures like this, we receive the Finance Committee's approval as a minimum. When we were in discussion with the Administration, we stated that it was fine and that we would have the money there. We stated that we would move it from the contingency fund. However, we will just have to clear it with Council. In this particular case, we could have handled that verbally noting that we are informing Council of the financial controls and this is what we would like to do and then see if it is okay with the Finance Committee. There is no reason we need an ordinance. We could have done this verbally. However, it got to this point. Council will need to decide first, if we need flags for our City, which I thought was a no brainer. But the fact is, to keep the credibility between the Auditor's office, Administration and Council, we would like to communicate that information and rather it being done verbally, some how it made its way through ordinance form. If you simply want to do a voice vote that this is fine, we don't need to have an ordinance in this particular case.
Council Member Buescher: Mr. President, I will withdraw my second.
Law Director Crites: Mr. President, as a point of order, I would suggest that you require a motion to amend the agenda. It wouldn't require a suspension of the By-Laws, but we can amend the agenda on the floor and remove the ordinance. It might be best just to move to table it. It will then permanently remain on the table.
Auditor Costin: I would recommend that they just remove it because then there is another piece of writing that has to be done. Just remove it and be done. We can just receive verbal approval and we buy our flags.
Law Director Crites: That is the object and I do agree. Tabling is a method of removing it. However, I agree with Auditor Costin to just remove it from the agenda.

moved by Boose, seconded by Jaenke to remove T 145 from the agenda
President Arndt: The Mayor did make the original motion. Are you okay with removing this item from the agenda, Mr. Mayor?
Mayor Gillock: That would be okay.
President Arndt: For clarification, we have a motion by Mr. Boose, a second by Mr. Jaenke to remove T 145 completely from the agenda. Any discussion? There being none, all those in favor signify by yes. All those opposed by no? Any abstentions?
Yes, 6 No, 0

moved by Boose, seconded by Buescher for a voice vote to accept the request for the expenditure of 2,000 dollars for flags for our City
President Arndt: Is there any discussion?
Auditor Costin: Yes, Mr. President, I want to credit the Administration because obviously when these things pop up and we say we need to clear it with Council, they certainly intend to clear it with Council. That is great on their regards.
President Arndt: Thank you. Any other discussion? All those in favor signify by yes. All those opposed by no? Any abstentions?
Yes, 6 No, 0

T 146-2006 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO A CONTRACT FOR THE PURCHASE OF 4.62 ACRES LOCATED AT WESTFIELD DRIVE, NORTH RIDGEVILLE, OHIO, IN THE APPROXIMATE AMOUNT OF $100,000.00.
Law Director Crites: If I may, Mr. President? I would ask that this ordinance T 146 as well as 147 and 148 to follow, which all involve pending real estate transactions, be moved to first readings and passed tonight with the emergency, if Council would be so inclined. Because the funds, as Mr. Costin spoke to earlier, will be separately handled with the BAN ordinances that are filed being passed contemporaneously tonight; we need to get these ordinances passed so we can move forward and close these deals.
moved by Boose, seconded by Buescher to suspend our By-Laws tonight to give T 146 its first reading
President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed by no? Any abstentions?
Yes, 6 No, 0
Clerk of Council Norris: Motion is approved.

T 147-2006 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO A CONTRACT FOR THE PURCHASE OF 3.530 ACRES OF LAND LOCATED IN SHEFFIELD VILLAGE AND FRONTING ABBE ROAD, OHIO, IN THE APPROXIMATE AMOUNT OF $90,000.00.
moved by Olesen, seconded by Boose to suspend our By-Laws tonight to give T 147 its first reading
President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed by

no? Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: Motion is approved.

T 148-2006 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO A CONTRACT FOR THE PURCHASE OF 2.1552 ACRES OF REAL PROPERTY LOCATED AT 36885 CENTER RIDGE ROAD, NORTH RIDGEVILLE, OHIO, IN THE APPROXIMATE AMOUNT OF $290,000.00.

moved by Boose, seconded by Olesen to suspend our By-Laws tonight to give T 148 its first reading

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

Yes, 6 No, 0

Clerk of Council Norris: Motion is approved.

T 149-2006 AN ORDINANCE AUTHORIZING THE CITY OF NORTH RIDGEVILLE, OHIO, TO BECOME MEMBER OF THE NORTHEAST OHIO SOURCING OFFICE, AN OHIO NONPROFIT CORPORATION ORGANIZED AS A REGIONAL COUNCIL OF GOVERNMENTS UNDER CHAPTER 164, OHIO REVISED CODE, BY ADOPTING THE CODE OF REGULATIONS, AND AUTHORIZING THE MAYOR TO ENTER INTO THE MEMBERSHIP AGREEMENT, THE MASTER SERVICES AND CONSULTING AGREEMENT, AND THE MASTER PRODUCTS AGREEMENT WITH THE NORTHEAST OHIO SOURCING OFFICE.

moved by Olesen, seconded by Jaenke to suspend our By-Laws tonight to give T 148 its first reading

President Arndt: Is there any discussion?

Mayor Gillock: Mr. President, I would like to give a little explanation of what this is. The North East Ohio Sourcing Office is actually an Ohio non profit organization organized under the Ohio Revised Code as a Regional Council of Government. The purpose being is to allow us to band together to buy goods. Whether it be salt, paper goods, etc. There is no cost to us to join this. They are looking at municipal and other political subdivisions in several counties, such as Ashtabula, Columbiana, Cuyahoga, Geauga Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull and Wayne Counties. We need formal approval and adoption of the By-Laws to be a member in order to use those services. Again, there is no cost involved to join. We may never use it, but if we don't join and adopt the By-Laws, we would never be able to avail ourselves with their services, should they have something that we would benefit by if we participated. That is the purpose of this particular ordinance.

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

Yes, 6 No, 0

Clerk of Council Norris: Motion is approved.

President Arndt: That concludes our ordinance and resolution submittals. We now move to a full plate of first readings. We begin with T 94. Dr. Norris, if you will please?

- **First Readings**

Clerk of Council Norris:

T 94-2006 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO KNOWN AS THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING LAND: 34977 CENTER RIDGE ROAD, PERMANENT PARCEL NUMBER 07-00-016-104-003 (AS SHOWN BY LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE DISTRICT TO B-3 HIGHWAY COMMERCIAL DISTRICT AND OWNED BY RICHARD L. AND ALLENE M. HEBEBRAND.
First Reading

T 120-2006 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO KNOWN AS THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING LAND: 34941 AND 34953 CENTER RIDGE ROAD, PERMANENT PARCEL NUMBER 07-00-016-104-142 (AS SHOWN BY LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE DISTRICT TO B-3 HIGHWAY COMMERCIAL DISTRICT AND OWNED BY KARL L. PITTS AND GERALDINE PITTS; LEO L. PITTS AND MARY ANN PITTS; DONALD J. PITTS AND PATRICIA PITTS; RICHARD F. PITTS AND CHRISTA PITTS; MARJORIE R. GRADISEK AND CLAIRE L. SPEIR.
First Reading

T 130-2006 AN ORDINANCE AMENDING SECTION 1226.08 EASEMENTS.
First Reading

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

T 152-2006
4324-2006 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF $300,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF ACQUIRING AN EXISTING BUILDING AND ITS SITE TO HOUSE CITY OFFICES AND FUNCTIONS
First Reading
moved by Boose, seconded by Olesen to dispense with the second and third readings tonight on T 152

President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed by

no? Any abstentions?

Yes, 6 No, 0

moved by Boose, seconded by Olesen to adopt tonight T 152

moved by Boose, seconded by to add the emergency tonight to T 152 in order to meet the deadline

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

Yes, 6 No, 0

President Arndt: In addition, we have a motion on the floor by Mr. Boose, seconded by Mr. Olesen to adopt tonight T 152 with the emergency. Any discussion? There being none, all those in favor signify by yes. All those opposed by no? Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 152 is adopted with the emergency and becomes permanent ordinance number 4324-2006.

Permanent Ordinance No. 4324-2006

T 151-2006
4323-2006 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF $200,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF ESTABLISHING AND IMPROVING CITY PARK AND RECREATIONAL FACILITIES BY ACQUIRING CERTAIN REAL ESTATE FOR A NEW PARK AT THE INTERSECTION OF CENTER RIDGE ROAD AND AVON BELDEN ROAD AND BY ACQUIRING AND INSTALLING A SPLASHPAD AQUATIC RECREATION SYSTEM AND RELATED IMPROVEMENTS AT SOUTH CENTER PARK.

First Reading

moved by Olesen, seconded by Jaenke to dispense with the second and third readings tonight on T 151

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, just for clarification. It is my understanding that the Park and Rec Commission has only approved this Splashpad in concept. There were a couple of different Splashpad presentations made and since they haven't met for three out of the last four months, they really never came back to formally approve either one. I don't have an issue with passing this ordinance this evening as long as Council, Administration, and the Auditor know that they have the latitude of approving one of the two options that they had presented to them.

Mayor Gillock: Mr. President, I believe that they did approve the lower cost presentation made as the better purchase during their last meeting. They did select one and it was the lower cost one. It was 160,000 dollars, total.

Auditor Costin: Mr. President, it is my understanding that the information I was provided with was a cost of 160,000. The 60,000 has been appropriated from the Park and Rec Improvement funds this year. The 100,000 will be paid over the next two years. That was the plan at the last appropriation meeting we had.

Council Member Boose: I just don't recall that ever being formerly approved. I would like to

make sure that the Commission is not left out of the decision on this.
Auditor Costin: I would just state that we would have to make a decision and spend that money within the year or pay it back.
President Arndt: Is there any other discussion? Will the Clerk, please take roll.

Yes, 5 No, 0 Abstain, 1 (Buescher)

Clerk of Council Norris: Motion is approved by a vote of five, zero and one abstention.

moved by Olesen, seconded by Jaenke to adopt tonight T 151
moved by Olesen, seconded by Jaenke to add the emergency tonight to T 151 in order to issue the BAN's for this project

President Arndt: Is there any discussion?
Mayor Gillock: Mr. President, I would just like to point out that the other half of this ordinance has to do with the acquisition of the old gas station at the corner of Route 83 and Center Ridge Road. We have been working on this project all year. We have filed to acquire that property by eminent domain to use it as a park. We are now in the negotiation phase and getting somewhat close to wrapping this up. This is the funding that will be necessary, when and if we reach an agreement. We want to move this along to finally get rid of the eyesore that has been there for many years.
President Arndt: Thank you, Mr. Mayor. Is there any other discussion? Will the Clerk, please take roll.

Yes, 5 No, 0 Abstain, 1 (Buescher)

President Arndt: In addition, we have a motion on the floor by Mr. Boose, seconded by Mr. Olesen to adopt tonight T 151 with the emergency. Any discussion? Will the Clerk, please take roll.

Yes, 5 No, 0 Abstain, 1 (Buescher)

Clerk of Council Norris: T 151 is adopted with the emergency and becomes permanent ordinance number 4323-2006.

Permanent Ordinance No. 4323-2006

T 150-2006
4322-2006

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF $100,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF REHABILITATING AND IMPROVING AN EXISTING BRIDGE ON CHESTERFIELD DRIVE BY REPLACING THE BRIDGE DECK, IMPROVING ABUTMENT BACKWALLS AND RESURFACING THE APPROACHES, TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO.

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

President Arndt: Will the Clerk please take roll.

Yes, 6 No, 0

Clerk of Council Norris: Motion to dispense with the second and third readings are approved by a vote of six to zero.

moved by Boose, seconded by Olesen to adopt tonight T 150
moved by Boose, seconded by Olesen to add the emergency so that we can meet the deadlines to fund the project

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

Yes, 6 No, 0

President Arndt: In addition, we have a motion on the floor by Mr. Boose, seconded by Mr. Olesen to adopt tonight T 150 with the emergency. Any discussion? All those in favor signify by yes. All those opposed by no? Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 150 is adopted with the emergency and becomes permanent ordinance number 4322-2006.

Permanent Ordinance No. 4322-2006

T 141-2006
1094-2006 NORTH RIDGEVILLE CITY 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.

First Reading

moved by Boose, seconded by Jaenke to dispense with the second and third readings tonight on T 141

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

Yes, 6 No, 0

moved by Boose, seconded by Olesen to adopt tonight T 141

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

Yes, 6 No, 0

Clerk of Council Norris: T 141 is adopted and becomes permanent resolution 1094-2006.

Permanent Resolution 1094-2006

T 142-2006
4325-2006 AN ORDINANCE AUTHORIZING FUNDS FOR A CONTRACT TO BE NEGOTIATED AND ENTERED INTO BY THE MAYOR OF NORTH RIDGEVILLE AND CH2M HILL PROFESSIONAL ENGINEERING CONSULTING SERVICES IN THE APPROXIMATE AMOUNT OF $36,600.00.

First Reading

moved by Boose, seconded by Jaenke to dispense with the second and third readings tonight on T 142

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

Yes, 6 No, 0

moved by Boose, seconded by Olesen to adopt tonight T 142

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

Yes, 6 No, 0

Clerk of Council Norris: T 142 is adopted and becomes permanent ordinance 4325-2006.

Permanent Ordinance 4325-2006

T 143-2006 AN ORDINANCE AMENDING ORDINANCE NO. 4240-2006 (WHICH
4326-2006 AMENDED ORDINANCE NO. 4150-2005) FOR THE RETROFITTING OF THE COMPLETE MIX TANK NO. 1 FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT, BY INCREASING THE AMOUNT FROM $300,000.00 TO APPROXIMATELY $314,000.00.

First Reading

moved by Olesen, seconded by Boose to dispense with the second and third readings tonight on T 143

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

Yes, 6 No, 0

moved by Boose, seconded by Olesen to adopt tonight T 143

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

Yes, 6 No, 0

Clerk of Council Norris: T 143 is adopted and becomes permanent ordinance 4326-2006.

Permanent Ordinance 4326-2006

T 144-2006 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
4327-2006 AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR A TURNKEY OPERATION TO THE FRENCH CREEK WASTEWATER TREATMENT PLANT'S 69 KV SUBSTATION BY FABRICATING, CONSTRUCTING, PAINTING AND FURNISHING MATERIALS AND APPURTENANCES, AND TO NEGOTIATE AND ENTER INTO A CONTRACT WITH A CONSULTING ENGINEERING FIRM TO PROVIDE PLANS, SPECIFICATIONS, BIDDING DOCUMENTS, AND CONSTRUCTION PHASE SERVICES FIRM FOR A DESIGN/BUILD PROJECT, IN THE APPROXIMATE AMOUNT OF $175,000.00.

First Reading

moved by Olesen, seconded by Boose to dispense with the second and third readings tonight on T 144

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

Yes, 6 No, 0

moved by Olesen, seconded by Boose to adopt tonight T 144

President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed by

no? Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 144 is adopted and becomes permanent ordinance 4327-2006.

Permanent Ordinance 4327-2006

T 146-2006
4328-2006

AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO A CONTRACT FOR THE PURCHASE OF 4.62 ACRES LOCATED AT WESTFIELD DRIVE, NORTH RIDGEVILLE, OHIO, IN THE APPROXIMATE AMOUNT OF $100,000.00.

First Reading

moved by Boose, seconded by Olesen to dispense with the second and third readings tonight on T 146

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

Yes, 6 No, 0

moved by Boose, seconded by Olesen to adopt tonight T 146

moved by Boose, seconded by Olesen to add the emergency tonight to T 146 in order to complete the transaction in a timely manner

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

Yes, 6 No, 0

President Arndt: In addition, we have a motion on the floor by Mr. Boose, seconded by Mr. Olesen to adopt tonight T 146 with the emergency. Any discussion? All those in favor signify by yes. All those opposed by no? Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 146 is adopted with the emergency and becomes permanent ordinance number 4328-2006.

Permanent Ordinance No. 4328-2006

T 147-2006
4329-2006

AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO A CONTRACT FOR THE PURCHASE OF 3.530 ACRES OF LAND LOCATED IN SHEFFIELD VILLAGE AND FRONTING ABBE ROAD, OHIO, IN THE APPROXIMATE AMOUNT OF $90,000.00.

First Reading

moved by Boose, seconded by Olesen to dispense with the second and third readings tonight on T 147

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

Yes, 6 No, 0

moved by Boose, seconded by Olesen to adopt tonight T 147

moved by Boose, seconded by Olesen to add the emergency tonight to T 147 in order to complete the transaction in a timely manner

President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed by

no? Any abstentions?

Yes, 6 No, 0

President Arndt: Additionally, we have a motion on the floor by Mr. Boose, seconded by Mr. Olesen to adopt tonight T 147 with the emergency. Any discussion? All those in favor signify by yes. All those opposed by no? Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 147 is adopted with the emergency and becomes permanent ordinance number 4329-2006.

Permanent Ordinance No. 4329-2006

T 148-2006
4330-2006
AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO A CONTRACT FOR THE PURCHASE OF 2.1552 ACRES OF REAL PROPERTY LOCATED AT 36885 CENTER RIDGE ROAD, NORTH RIDGEVILLE, OHIO, IN THE APPROXIMATE AMOUNT OF $290,000.00.
First Reading
moved by Boose, seconded by Jaenke to dispense with the second and third readings tonight on T 148

President Arndt: Is there any discussion? The Chair does have a couple of questions of the Mayor. On page three of this legislation, there is a section 3.2 and 3.4 with regard to inspections and environmental evaluations and tests of studies of hazardous materials.

Law Director Crites: You are referencing the purchase agreement and contract, not the legislation.

President Arndt: Yes, thank you for that clarification. Have we as a City done our due diligence to inspect and make sure that the hazardous materials are not a concern for us?

Mayor Gillock: Mr. President, I will speak to that and then I would ask the Law Director for any additional input. The Safety-Service Director initiated the investigation into this. This is the old telephone building at the corner of Maddock and Center Ridge Road, which has been vacant for some time. We approached the phone company regarding the possibility of purchasing that property for future use as City offices as our need to expand is already here. We are crowded. We hired an architect firm, R.W. Landing from Elyria to take a look at the building, determine the feasibility of renovating it and being able to use it. There were also questions asked such as does it have asbestos or lead problems. They returned a glowing report with a review of the building. The building is very solid, with solid concrete. It was built for civil defense purposes and has been well maintained. All of the equipment has been removed out of it. The architect's exact words were that we would be crazy if we didn't purchase it with the land and the replacement costs of the building. They felt that we were getting an extremely attractive proposition. It could be renovated. It is two floors with a basement. It can easily be cost effectively renovated. There is some asbestos in the building, which is encapsulated and is in good shape. There is some lead paint on the walls that will have to be painted. There has been a tier one study done in regards to pollution. It was found that there was one pipe in the ground that they weren't quite sure what it was. They hired an engineering firm to do a phase two study to take a look at that. They determined that it was just a cistern that had been filled in. We really looked at this from every angle that we could think of, from acquisition costs, costs of the

refurbishing hazardous materials and everything that has come up has been very positive through the whole process. I would like to ask the Law Director and the Safety-Service Director if there is anything they want to add.
Safety-Service Director Johnson: I know this building personally, as I used to work there in a former life off and on. Mayor Gillock and I have been trying to work on this with AT&T to either give or sell us that building since we've been in office. Actually, we started working with SBC and now we are working with AT&T. I am really glad to see it at this point. As the Mayor pointed out, there were some questions about some environmental issues. Most, if not all of them, are settled right now. There are clauses in the contract for us to safeguard if there is something that comes up. I am eager to see the front of this building with our name plate on the front of it.
Law Director Crites: I would briefly add that there were some sonorous clauses in the contract that have since been remedied through negotiations through their Council in Chicago. I do want to make sure that the Administration understands that we are provided a due diligence period to do our inspections. Once that due diligence period is up, it is pretty much as is. However, as stated by the Mayor and the Safety-Service Director, we feel that we are in a good position to state that as is, is okay.
President Arndt: After reviewing the agreements, I felt that it was just really important for all of us on Council to know that the due diligence has been done. Thank you. It sounds like this is going to be one of the better purchases that we have made in the City. Is there any other discussion?
All those in favor signify by yes. All those opposed by no? Any abstentions?

Yes, 6 No, 0

moved by Boose, seconded by Olesen to adopt tonight T 148

moved by Boose, seconded by Olesen to add the emergency tonight to T 148 in order to complete the transaction in a timely manner

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

Yes, 6 No, 0

President Arndt: Additionally, we have a motion on the floor by Mr. Boose, seconded by Mr. Olesen to adopt tonight T 148 with the emergency. Any discussion? All those in favor signify by yes. All those opposed by no? Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 148 is adopted with the emergency and becomes permanent ordinance number 4330-2006.

Permanent Ordinance No. 4330-2006

T 149-2006
4331-2006

AN ORDINANCE AUTHORIZING THE CITY OF NORTH RIDGEVILLE, OHIO, TO BECOME MEMBER OF THE NORTHEAST OHIO SOURCING OFFICE, AN OHIO NONPROFIT CORPORATION ORGANIZED AS A REGIONAL COUNCIL OF GOVERNMENTS UNDER CHAPTER 164, OHIO REVISED CODE, BY ADOPTING THE CODE OF REGULATIONS, AND AUTHORIZING THE MAYOR TO ENTER INTO THE MEMBERSHIP

AGREEMENT, THE MASTER SERVICES AND CONSULTING AGREEMENT, AND THE MASTER PRODUCTS AGREEMENT WITH THE NORTHEAST OHIO SOURCING OFFICE.
First Reading
moved by Mayor Gillock, seconded by Buescher to dispense with the second and third readings tonight on T 149

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

Yes, 6 No, 0

moved by Boose, seconded by Olesen to adopt tonight T 149

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

Yes, 6 No, 0

Clerk of Council Norris: T 149 is adopted with the emergency and becomes permanent ordinance number 4331-2006.

Permanent Ordinance No. 4331-2006

President Arndt: That concludes all of our first readings tonight. We now move to our singular second reading. Dr. Norris?

- **Second Readings**

Clerk of Council Norris: One second reading before Council this evening:

T 140-2006 AN ORDINANCE CREATING THE JOB POSITION OF RECYCLING COORDINATOR AND SETTING THE COMPENSATION THEREFORE.
Second Reading

President Arndt: We will now move to our third readings.

- **Third Readings**

Clerk of Council Norris: Third readings this evening include:

T 126-2006
4332-2006 AN ORDINANCE ACCEPTING 778 SQUARE FEET OF PERMANENT PARCEL NO. 07-00-014-105-020 ON THE SOUTH SIDE OF LORAIN ROAD AND DEDICATING IT FOR PUBLIC PURPOSES.
Third Reading
moved by Olesen, seconded by Manning to adopt tonight T 126

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

Yes, 6 No, 0

Clerk of Council: T 126 is adopted and becoming permanent ordinance number 4332-2006.

Permanent Ordinance Number 4332-2006

T 127-2006 AN ORDINANCE AMENDING NRCO SECTION 286.03 REIMBURSEMENT
4333-2006 OF TRAVEL-RELATED EXPENSES BY OMITTING SUBSECTION 286.03(e).
Third Reading
moved by Boose, seconded by Manning to adopt tonight T 127
President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?
Yes, 6 No, 0
Clerk of Council: T 127 is adopted and becoming permanent ordinance number 4333-2006.
Permanent Ordinance Number 4333-2006

T 128-2006 AN ORDINANCE REPEALING 4255-2006 AND CREATING CHAPTER 1056,
4334-2006 CONSTRUCTION SITE SOIL EROSION, SEDIMENT, STORM WATER RUNOFF AND STORM WATER QUALITY CONTROLS AND REGULATIONS.
Third Reading
moved by Buescher, seconded by Jaenke to adopt tonight T 128
President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?
Yes, 6 No, 0
Clerk of Council: T 128 is adopted and becoming permanent ordinance number 4334-2006.
Permanent Ordinance Number 4334-2006

T 129-2006 AN ORDINANCE AMENDING CHAPTER 1474 STORM DRAINAGE
4335-2006 REGULATIONS AND AMENDING ORDINANCE NO. 4256-2006.
Third Reading
moved by Buescher, seconded by Manning to adopt tonight T 129
President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?
Yes, 6 No, 0
Clerk of Council: T 129 is adopted and becoming permanent ordinance number 4335-2006.
Permanent Ordinance Number 4335-2006

President Arndt: That concludes our third readings. We have no old business tonight and Dr. Norris, if you would be kind enough to announce our upcoming meetings.

UPCOMING MEETING ANNOUNCEMENTS:

Clerk of Council Norris: Upcoming meeting announcements include:

Administrative Committee Meeting to be held Tuesday, October 17, 2006 at 4:00 P.M. in the conference room.

Public Hearing to be held Monday, November 6, 2006 at 7:20 P.M. on T 130-2006

Next Regular Council Meeting Monday, November 6, 2006 at 7:30 P.M. in Council Chambers

Public Hearings to be held November 20, 2006. The individual hearings beginning at 7:15 are as follows:

1) T 94-2006 Hebebrand rezoning
2) T 120-2006 Pitts rezoning

ADJOURN:

moved by Jaenke to adjourn

Meeting adjourned at 9:15 P.M.

MOTION Jaenke 2ND Manning DATE November 6, 2006

YES 6 NO 0 ABSTAIN 1 - Butkowski

PRESIDENT OF COUNCIL DR. RONALD F. ARNDT

CLERK OF COUNCIL CHARLES A. NORRIS