

**NORTH RIDGEVILLE MUNICIPAL COUNCIL  
MINUTES OF  
REGULAR MEETING      OCTOBER 15, 2007**

**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 15, 2007. If you will all rise for our Invocation, followed by our Pledge.

**INVOCATION:** lead by President Arndt.

**PLEDGE OF ALLEGIANCE:** by all.

**CALLING OF THE ROLL - ROLL CALL:**

Present were Council Members Nancy Buescher, Dennis Boose, Richard Jaenke, Bob Olesen, Bernadine Butkowski, and President Ronald Arndt.  
Absent was Council Member Gayle Manning  
Also, present were Mayor David Gillock, Safety-Service Director Denny Johnson, Law Director Andrew Crites, Engineer Larry Griffith, Auditor Chris Costin and Clerk of Council Charles Norris.

President Arndt: For the benefit of everyone, Mrs. Manning is ill tonight. So, we might want to wish her a speedy recovery. Dr. Norris, if you will please begin with our minutes.

**MINUTES - Corrections (if any) and Approval:**

Clerk of Council Norris: Council has before it this evening:

Public Hearing Minutes of October 1, 2007 re: T 118-2007 and T 121-2007

moved by Butkowski, seconded by Olesen to approve the Public Hearing minutes of October 1, 2007 regarding T 118 and T 121

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: Minutes are approved.

Council Minutes of regular meeting held October 1, 2007

moved by Jaenke, seconded by Boose to approve the minutes of our regular meeting held October 1, 2007

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: Minutes are approved.

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

Board of Zoning & Building Appeals Minutes of regular meeting September 27, 2007;  
Board of Zoning & Building Appeals Minutes of special meeting September 27, 2007 and  
Planning Commission Minutes of regular meeting October 9, 2007.

President Arndt: We now come to the Mayor and Director's report section of our meeting. The Chair invites our Mayor and the Directors the opportunity to provide City Council with their oral report. Tonight, we would like to begin with our Mayor, Mr. Gillock.

**MAYOR AND DIRECTORS REPORTS:**

•      **Mayor:**

Mayor Gillock: Thank you and Good evening Mr. President, Council and residents. Just a couple of items I need to bring to your attention this evening. First, as we did last year, we have promoted recycling through our recycle and win program, where residents actually win cash for recycling. Each month, from April through September, four residential addresses were randomly selected each week from each of the four wards in the City. A visual inspection was done 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 in the City including Giant Eagle, Sheetz, Speedway, CVS, Rite-Aid, Walgreens and Ace Hardware. Of the 16 winning locations selected each month, the one household recycling the most is being included in a drawing from all of the six monthly top recyclers, for a grand prize of a 200 dollar gift card to be used at one of the participating local merchants mentioned of their choice. It is up to each and everyone of us to do our part in preserving our precious resources and help make the world a cleaner and safer place for all of us. Remember, with the recycle and win program, recycling pays in more ways than ever. The six monthly winner finalists are Patrick Ginley from Bainbridge Road for April, Jeffrey Carlson from Harris Drive for May, William Ciszczon from Diane Drive for June, Robert Anderson from Olive Avenue for July, Lyle Stursa from Bagley Road for August and Theodore Ackerman from Bender Road for September. I have the six tickets with their names on them here. I will have the President of Council select one of these to determine our 200 dollar gift card winner. If you would please? Thank you. The grand prize winner of 200 dollars for this year's recycling program is William Ciszczon from Diane Drive. Congratulations to him and our Utilities Superintendent, Jim Whitlock, who has done an excellent job overseeing this program. Mr. Whitlock will get a hold of Mr. Ciszczon and award him his 200 dollar gift card.

Secondly, I'm also glad to report that this Wednesday, at 11:00 A.M., the demolition contractor will begin knocking down the buildings at the old Ridgeview Shopping Center starting with the large building on the east side. After decades of vacancy, this eyesore is finally coming down. If you want any final pictures, you should hurry, because it will soon be gone. They moved one piece of equipment in today and they will be staging tomorrow. If you want to be there, you are

certainly welcome. That concludes my report and go Tribe. Thank you.

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

- **Safety-Service Director:**

Safety-Service Director Johnson: I have no report this evening.

President Arndt: Thank you, Mr. Johnson. We now move with dispatch to our Engineer, Mr. Griffith.

- **Engineer:**

Engineer Griffith: Thank you, Mr. President. Cleveland Indians American League Championship Series Game started at 7:00 P.M. tonight. Thank you, that concludes my report.  
President Arndt: Thank you. Our Auditor, Mr. Costin.

- **Auditor:**

Auditor Costin: Yes, two items of business tonight. The first is the passage of the September monthly report, which Council should have received.

Auditor's Written Financial Report of September 2007

    moved by Boose, seconded by Buescher to approve the Auditor's written Financial Report of September 2007

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

            Yes, 6              No, 0

Auditor Costin: Thank you. I would request that Council consider passing tonight, T 136 under ordinances and resolutions. The County has requested this and we are required to have it passed by October 31, I believe. The resolution did come to us late. I have verified all the rates. They are correct and I would request that Council consider suspending their By-Laws so that we would be able to pass it with dispatch this evening and return it back to the County.

President Arndt: Does it need an emergency?

Auditor Costin: I don't believe we need the emergency. We just need to act on it to pass it.

President Arndt: That concludes your report?

Auditor Costin: That concludes my report and comments. Thank you.

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

- **Other Reports:**

Clerk of Council Norris: Other reports before Council this evening include:

Building Department Report for August 2007;  
OM Public Sector Solutions Monthly Report dated September 19, 2007; and  
Mayor's Court Report for September 2007.

Planning Commission Report to Council of regular meeting October 9, 2007:

APPLICANT:      Pulte Homes of Ohio, Inc., 30575 Bainbridge Road, Suite 200, Solon,  
Ohio 44139  
OWNER:          Forest City Land Group, 50 Public Square, Suite 1050, Cleveland, Ohio  
44113  
REQUEST:        Final approval of Pioneer Ridge, Phase 6, which includes a resubdivision  
of a portion of Pioneer Ridge Phase 1, former sublots 21 to 35 to be  
known as sublots 280 to 290 and adding land from Waterbury PCD  
LOCATION:        Pioneer Ridge, Phase 1 and part of Waterbury PCD adjacent to the  
existing Revere Drive  
Permanent parcel numbers 07-00-037-000-129 through 07-00-037-000-  
143

PC ACTION:      Approved by a vote of five to zero  
moved by Jaenke, seconded by Olesen to approve the Planning Commission action for  
the final approval of Pioneer Ridge Phase 6

President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, just to bring Council up to date; because of the slow  
down in the building industry, Forest City is requesting that they take fourteen lots, which is 21  
to 35 and actually subdivide those into ten lots. In other words, they want to increase the  
frontage from 21 to 35 to 280 to 290, meaning they are going to have larger lots for those  
remaining lots that are involved. That is primarily because of the slow down in the building  
industry. Thank you.

President Arndt: 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:      Gary Fischer, Value Place Real Estate Services, 8621 E. 21st Street, Suite  
250, Wichita, KS 67206  
OWNER:          Steve Payne, Tri-Arch, Inc., 22535 Lorain Road, Fairview Park, OH  
44126  
REQUEST:        Approval to construct a four-story extended stay hotel  
LOCATION:        Lear Nagle Road north of the existing McDonalds within a B-4 District  
Permanent Parcel number 07-00-004-109-046

PC ACTION:      Approved by a vote of five to zero  
moved by Jaenke, seconded by Olesen to approve the Planning Commission action for  
the construction of a four story extended stay hotel

President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, again, to bring Council up to date. This structure will be built behind McDonalds and the driveway that McDonalds currently has will be a common driveway for both McDonalds and this hotel. I might also mention that Value Place is a new company coming into Ohio. They plan to build one in Avon and they are looking at sites on the east side and also in the Akron area. The developer has a tremendous reputation. He originally built the Residence Inn and the Summerfield Suites, which is now Marriott. They have a lot of experience in hotel management. This will be what they call an extended stay facility, which means, that you will have to rent the facility for a minimum of one week. It is not a day by day situation. It includes 120 suites and Planning Commission felt that this was a perfect fit for this particular parcel. It is a real asset to the City. Thank you.

President Arndt: Any other discussion? 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 continue on please with our Council Committee Reports.

**COUNCIL COMMITTEE REPORTS:**

Clerk of Council Norris: We have a singular Council Committee Report tonight:

UTILITIES COMMITTEE REPORT #5683 Members of Council: We have considered the matter of amending under Chapter 634, noise control, by recommending new language to read: 634.01(c)(6), Loading and Unloading. Loading and unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage containers or similar objects, or other activity in such a manner as to cause a noise disturbance across a residential real property boundary between the hours of 9:00 P.M. and 7:00 A.M. of the following day and recommend that this request be approved and proper legislation be drawn amending Section 634.01(c)(6) as stated above.

Signed: Members Butkowski and Olesen and Chairperson Buescher

moved by Boose, seconded by Buescher to approve the Utilities Committee Report #5683

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, just want to thank the Committee for reviewing this legislative change. What this does is, this gives residents some relief from undue noise hazards from nearby businesses. As our community continues to grow with additional housing and businesses, it is only natural that they will start to come together more closely than they ever have and we want our businesses and our residents to be good neighbors to each other. What this does is it just makes a slight change in the current ordinance that allows for this not to happen during the hours of 9:00 P.M. to 7:00 A.M.

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

Yes, 6                      No, 0

President Arndt: That concludes all of our reports. We now move to our one piece of correspondence.

**CORRESPONDENCE:**

Clerk of Council Norris:

1) Received notification from the Ohio Department of Commerce, Division of Liquor Control that the correct address for Mould Development permit premises is 33099 Lorain Road instead of Southeast Corner of Butternut Ridge and Ohio Turnpike.

President Arndt: Thank you. We now move to new business. We have two pieces of new business and so, Dr. Norris, if you would move forward on that as well.

**NEW BUSINESS:**

Clerk of Council Norris: New business this evening include:

Request from the Parks & Recreation Commission to approve the following expenditures from the Parks & Recreation Improvement Fund:

1) \$7,500.00 for the demolition of the existing storage building and construction of a new utility building at the Shady Drive Complex.

moved by Butkowski, seconded by Boose to approve the 7,500 dollars for the demolition of the existing storage building and construction of a new utility building at the Shady Drive Complex

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, just to bring Council and others up to date. The building they are speaking of was the original concession stand at the Shady Drive Complex. It is poured concrete and has been there for twenty or thirty years. It is in dire need of destruction. It has sunken over the years. It floods nearly every rain. Several years ago, the City built a new concession stand with flushing toilets so that the current building, that we are speaking of today, could be used for storage. One of the next phases that the City is contemplating along with the North Ridgeville City Baseball/Softball Boosters is to develop a pavilion and make the area, between diamonds three and four, a show case for the City. The City and the Boosters have put in literally hundreds of thousands of dollars over the years and most recently trying to renovate that property. If anyone has not gone out there recently, you might want to take a look. Just this past year, roofs were put on all of the dugouts out there. They just recently completed a refurbishing of the center of the T Ball diamonds; drainage has been added. The one area that we have not been able to address yet, is the center of the complex, which is diamond three and four because of this building. Last year we added a storage building to that area to help house the umpire equipment and what this will actually do is tear down that old building but, keep the corner of the utilities which run all of the lights; all of the electricity for all of the power that goes into that complex. Then, eventually, next year hopefully, we will be coming back to Council along with financial assistance from the Boosters to build a pavilion that will incorporate this building that is housing the electrical units. It is just one phase of a project that has been continuing for many, many years. Thank you.

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

Yes, 6                      No, 0

- 2) \$2,000.00 for the purchase of diamond dirt for the baseball fields at the Shady Drive Complex moved by Butkowski, seconded by Boose to approve the 2,000 dollars for the purchase of diamond dirt for the baseball fields at Shady Drive Complex

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, again, just to bring Council and others up to date. This is an expenditure that we do every year. It may not be 2,000. However, we do add new diamond dirt to many of the diamonds to maintain them. You have to keep doing that year after year and it is well worth the effort and the funds to take care of it. Thank you.

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

Yes, 6                      No, 0

President Arndt: That concludes our new business, we move now to the audience participation or lobby section of our meeting.

**AUDIENCE PARTICIPATION (Lobby):**

President Arndt: Any members of our audience tonight are 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 does give us the opportunity to follow up with you personally should there be a need to do so. You're welcome to approach the podium immediately to the right of Mrs. Buescher. However, when you do come forward, please clearly state your name and address. Please limit your comments to three minutes. The lobby is now open.

1) Anthony Nici of 6043 Creekside Lane spoke regarding the traffic congestion on Lear Nagle Road between Center Ridge Road and Lorain Road and the difficulty of turning left from Chestnut Ridge Road onto Lear Nagle Road. He suggested placing a limited time of no turn on red sign for east bound traffic on Chestnut Ridge Road. Spoke about the evening traffic heading north bound on Lear Nagle Road that has difficulty turning left onto Center Ridge Road noting that the left turn signal only hangs for three seconds and asked if another three seconds could be added to that left turn signal. Additionally, Mr. Nici brought up another concern regarding the ingress and egress of Kindercare. He expressed his concerns relating to the issue of fire safety equipment and the Otten Road connection noting that fire equipment would not run through there as it is not time efficient. Spoke about the taking of land and quoted the United States Supreme Court saying that government can take land and the taking of this property would be for the good of the public safety and welfare and not for personal use. He asked that the Council and the Administration keep the developments separate.

2) Rudy Ringwall of 31966 Center Ridge Road expressed his opposition to the Lorain County proposed "pay as you throw" garbage collection by Allied Waste.

President Arndt: Thank you, Mr. Ringwall.

Council Member Boose: Mr. President, could we ask Mr. Ringwall to spell his last name. He didn't fill out a form and I want to make sure I get the spelling of his last name correctly.

Mr. Ringwall: R I N G W A L L. Yes, I'll fill out a form.

President Arndt: Who else would like to address City Council?

moved by Arndt, seconded by Boose to suspend By-Laws tonight to dispense with recess  
President Arndt: All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6                      No, 0

**RECESS:** dispensed with

President Arndt: We will begin, Dr. Norris with our ordinance and resolution submittals, beginning with T 136, please.

**ORDINANCES AND RESOLUTIONS:**

•      **Ordinances & Resolutions Submittals**

Clerk of Council Norris:

T 136-2007      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 Boose, seconded by Buescher to suspend our By-Laws tonight to give T 136 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

T 137-2007      A RESOLUTION FOR THE ADOPTION OF A PUBLIC RECORDS POLICY  
FOR THE CITY OF NORTH RIDGEVILLE.

T 138-2007      A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO GREAT  
LAKES BILLING ASSOCIATES FOR AMBULANCE BILLING.

moved by Boose, seconded by Buescher to suspend our By-Laws tonight to give T 138 its  
first reading

President Arndt: Is there any discussion?

Mayor Gillock: Mr. President, I'd like to explain how this came about. As you all know, this year we instituted billing for ambulance services where there is private insurance or medicare in existence. The program is working very well. We anticipated an additional revenue stream of approximately 400,000 dollars and at the end of September we were above 300,000 dollars and this does not cost our residents. We do not bill our residents. However, the program got started

really quick, before we actually issued the purchase order. This is for the initial billings of 24,341.56 dollars that we have to make to Great Lakes Billing. This is part of the program and we are just dotting our i's and crossing our t's, basically. Under the Ohio Revised Code, we need to pay this within 30 days. Therefore, we want to get this passed tonight. Thank you.  
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 139-2007    AN ORDINANCE AMENDING ORDINANCE NO. 4394-2007 BY INCREASING THE AMOUNT FROM \$100,000.00 TO \$200,000.00 FOR THE PURCHASE OF SANITARY SEWER MAIN LINE GROUTING AND RE-LINING.

T 140-2007    AN ORDINANCE AUTHORIZING FUNDS FOR A CONTRACT TO BE NEGOTIATED AND ENTERED INTO BY THE MAYOR OF NORTH RIDGEVILLE AND URS CORPORATION FOR PROFESSIONAL ENGINEERING CONSULTING SERVICES IN THE APPROXIMATE AMOUNT OF \$100,000.00.

Mayor Gillock: Mr. President, I'm not going to make a motion to give this a first reading this evening, but T 139 and T 140, I'd like to speak to a little bit, as way of explanation. Both of these are part of our effort to address flooding and we work with URS Engineering. As you recall, we divided the City into a number of sub-basins and we prioritized them. T 139 is a result of the study from our highest priority area and it is for funds to begin repairing, grouting, and re-lining some of those lines to prevent infiltration. T 140 is a continuation of that study in which we want to move onto sub-basins 11, 12 and 13 to begin dye testing and studying that system to locate the leaks and to see how bad that is. Those two ordinances are part of that continuing effort to address flooding. Thank you.

President Arndt: Thank you, Mr. Mayor. Next, Dr. Norris.

T 141-2007    AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ENTER INTO VARIOUS AGREEMENTS WITH THE LORAIN COUNTY SOLID WASTE MANAGEMENT DISTRICT.

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

Mayor Gillock: Mr. President, this is our annual ordinance allowing us to apply to the Lorain County Solid Waste Management District for our annual grant. We do have to make an application and that is what this is.

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

Yes, 6                      No, 0

T 142-2007    AN ORDINANCE AMENDING NRCO CHAPTER 1294 SUPPLEMENTARY REGULATIONS BY INCREASING THE SETBACK REQUIREMENTS FOR CENTER RIDGE ROAD.

President Arndt: THE CHAIR REFERS T 142 TO THE STREETS, SIDEWALKS AND BRIDGES COMMITTEE. That completes all of our ordinance and resolution submittals. We now move right into our first readings and Dr. Norris, if you would begin tonight with T 131, please.

•      **First Readings**

Clerk of Council Norris:

T 131-2007    AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS IN THE  
4469-2007    AMOUNT OF \$120,000.00 FOR THE CONTRACTED PROFESSIONAL SERVICES OF CT CONSULTANTS, INC. FOR THE ADMINISTRATION AND IMPLEMENTATION OF CHIP GRANT FUNDS AWARDED TO THE CITY FOR THE BENEFIT OF LOW TO MODERATE INCOME RESIDENTS.

First Reading

moved by Mayor Gillock, seconded by Olesen to dispense with the second and third readings tonight on T 131

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

Mayor Gillock: Thank you. Our Treasurer, Tony Hatmaker, has asked me to request this be passed this evening with the emergency clause. As you are aware, the City applied for and has received a CHIP grant in the amount of 528,000 dollars. This is the management required portion of that. We have to contract with an engineering firm to write the specs; manage the program; oversee the program for the next three years. The reason we would like to have this passed with the emergency this evening, is because, as I mentioned during the last Council meeting, there is a meeting being held at 6:30 P.M. tomorrow evening in this room to discuss the elements of the program. There will be applications available. That meeting will be the kick off of the program and we need to have this in place before we start taking applications. Thank you.

President Arndt: So, the emergency is to have this in place before taking applications?

Mayor Gillock: It is a health and safety issue in that these are grants to repair, update and assist low to moderate income residents through emergency home repairs, home rehabilitation, rental unit rehabilitation. That kicks off tomorrow and we need to get it in place, before we begin the program.

President Arndt: Thank you. Any other discussion? Again, to restate, we have a motion by Mayor Gillock and a second by Mr. Olesen to dispense with the second and third readings tonight on T 131. 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 131

moved by Olesen, seconded by Boose to add the emergency tonight to T 131 due to health, welfare and safety issues

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. Olesen and a second by Mr. Boose to add adopt tonight T 131 with the emergency. 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 131 is adopted with the emergency and becomes permanent ordinance 4469-2007.

Permanent Ordinance No. 4469-2007

T 136-2007    A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS  
1113-2007    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 Butkowski to dispense with the second and third readings tonight on T 136

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 Butkowski to adopt tonight T 136

President Arndt: 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 136 is adopted becoming permanent resolution 1113-2007.

Permanent Resolution No. 1113-2007

T 138-2007    A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO  
1114-2007    GREAT LAKES BILLING ASSOCIATES FOR AMBULANCE BILLING.

First Reading

moved by Boose, seconded by Buescher to dispense with the second and third readings tonight on T 138

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 Butkowski to adopt tonight T 138

President Arndt: Before we motion for emergency on this, it is my understanding that this just needs to be adopted. Let me clarify.

Council Member Buescher: They would like to have an emergency on this tonight.

President Arndt: Is that correct? Emergency on T 138?

Mayor Gillock: It's not necessary.

President Arndt: Do we need the emergency, gentlemen?

Auditor Costin: The law requires that we pass the legislation within 30 days. If we pass it with the emergency, we can pay it quicker. If we do not, then we don't pay it until the ordinance takes effect.

                    moved by Boose, seconded by Buescher to add the emergency in order that we make payment of this as quickly as possible since it has already been billed

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 and a second by Mrs. Butkowski to adopt tonight T 138 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 138 is passed with the emergency and becomes permanent resolution 1114-2007.

                    Permanent Resolution No. 1114-2007

T 141-2007      AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ENTER INTO VARIOUS AGREEMENTS WITH THE LORAIN COUNTY SOLID WASTE MANAGEMENT DISTRICT.  
First Reading

President Arndt: That concludes all of our first readings for the evening. We now move to our second readings beginning tonight with T 103.

•      **Second Readings**

Clerk of Council Norris:

T 103-2007      AN ORDINANCE CREATING THE NON-SWORN PART-TIME POSITION OF SERVICES DIVISION ASSISTANT.  
Second Reading

T 104-2007      AN ORDINANCE ESTABLISHING THE PAY SCALE FOR THE NON-SWORN PART-TIME JOB POSITION OF SERVICES DIVISION ASSISTANT.  
Second Reading

T 127-2007      AN ORDINANCE AMENDING NRCO § 1242.99 PENALTY, AND MAKING LIEN PROCEDURES APPLICABLE TO THE ZONING CODE.  
Second Reading

Council Member Boose: Mr. President, I would like to propose an amendment to T 127-2007. As you may recall at the last Council Meeting, I led some discussion regarding two issues on this. One, that there was no time constraint as to how long a similar violation could occur without receipt or additional prior notice to the home owner and the second being, that some of our current

notices of violation do not indicate that there is a right of appeal or that a property lien could result if the violation was not corrected. In speaking with the Chief Building Officer, as well as the Law Director, we have come to an understanding that the following could be changed.

moved by Boose, seconded by Buescher to amend T 127 in section two, to read:

No person shall fail to comply with any notice or citation of violation as required herein. Where a subsequent violation of the same or substantially similar nature occurs on the same property with the same ownership within two years of the prior similar violation, the owner, tenant or person in charge of the property may be cited to the appropriate court for the violation without receipt of additional prior notice provided that the original written notice of violation for the offense detailed the right of appeal process and indicated that a property lien could result if the violation was not corrected or otherwise made to comply.

President Arndt: We have a motion on the floor by Mr. Boose and a second by Mrs. Buescher to amend section two, beginning with the replacement of the second sentence in its entirety with the sentence that was just read by Mr. Boose and corroborated by our Law Director. Is there any discussion?

Council Member Olesen: Mr. President, this is okay with our Law Director? He is in agreement with this?

Law Director Crites: Yes. As Councilman Boose indicated, we spent some time with the Chief Building Officer and it meets his needs, it keeps the department working well and it still protects the rights of the residents equally.

Council Member Butkowski: Mr. Chairman, does that mean that we will be sure that the forms are changed or updated, so that it includes that information on it when the first violation is given?

Law Director Crites: If I could speak to that. Exactly. This amendment will mandate that the notices, which some of them did, but it will mandate now, that all of them will have that language in there, which will give them notice of their right to appeal and the fact that if they don't rectify the situation, they can end up with a lien on their property.

Council Member Butkowski: It will be over a two-year period?

Law Director Crites: Correct.

Council Member Butkowski: That should speed up a lot of these then.

President Arndt: Any other discussion?

Council Member Boose: Mr. President, just to say, that it was the Chief Building Official that requested the two-year limitation versus the one year. He thought that was better served.

President Arndt: Thank you. Just as a reminder, we have a motion by Mr. Boose, and a second by Mrs. Buescher to amend T 127 as indicated. All those in favor in signify by yes. All those opposed by no. Any abstentions?

Yes, 6                      No, 0

Clerk of Council Norris: Motion to amend is approved.

T 135-2007      AN ORDINANCE AMENDING ORDINANCE NO. 4135-2005 AND  
ACCEPTING THE VACATION PLAT OF MEADOW LAKES BOULEVARD  
FOR RECORDING PURPOSES AS AN AMENDMENT TO THE ORIGINAL  
DEDICATION PLAT.

Second Reading

President Arndt: That concludes all of our second readings. Moving onto our third readings now, starting with T 118.

•      **Third Readings**

Clerk of Council Norris:

T 118-2007    AN ORDINANCE AMENDING NRCO CHAPTER 1480, PROPERTY  
4470-2007    MAINTENANCE CODE, AND ADDING LIEN PROCEDURES AND  
                 ENHANCED ENFORCEMENT ABILITIES AGAINST REPEAT OFFENDERS.  
                 Third Reading

                 moved by Olesen, seconded by Jaenke to adopt tonight T 118

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

                 Yes, 6                      No, 0

Clerk of Council Norris: T 118 is adopted becoming permanent ordinance 4470-2007.  
                 Permanent Ordinance No. 4470-2007

T 119-2007    AN ORDINANCE AMENDING NRCO § 650.02, PUBLIC NUISANCE  
4471-2007    PROHIBITED; NOTICE TO ABATE; COMPLIANCE, AND ADDING  
                 ENHANCED ENFORCEMENT ABILITIES AGAINST REPEAT OFFENDERS.  
                 Third Reading

                 moved by Butkowski, seconded by Jaenke to adopt tonight T 119

President Arndt: Is there any discussion?

Council Member Boose: Yes, Mr. President. Just as we did with T 127, in section two of T 119 we have the same verbiage.

                 moved by Boose, seconded by Buescher to amend T 119, the second sentence of section two to read:

                 Notwithstanding § 650.02(b), where a subsequent violation of the same or substantially similar nature occurs on the same property with the same ownership within two years of the prior similar violation, the owner, tenant or person in charge of the property may be cited to the appropriate court for the violation without receipt of additional prior notice provided that the original written notice of violation for the offense detailed the right of appeal process and indicated that a property lien could result if the violation was not corrected or otherwise made to comply.

Council Member Boose: Again, this protects the home owner as well as the City and makes sure that we could move expeditiously on these and that everyone has been properly notified in writing.

Law Director Crites: Mr. President, I just wanted to speak to this procedurally. The motion to amend is an intervening motion, which will now be voted on by all of you and succeed or not.

You will then go on to vote on the original motion to approve either amended or not; depending upon on how the vote goes on the motion to amend.

President Arndt: To restate for clarification for everyone on Council. We have a motion on the floor by Mr. Boose and a second by Mrs. Buescher to amend T 119 under section two, second sentence following Notwithstanding Section 650.02 (b), with the insertion as read by Mr. Boose. Is there any discussion? All those in favor in 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 Mrs. Butkowski and a second by Mr. Jaenke to adopt tonight T 119 as amended. Is there any discussion? All those in favor in signify by yes. All those opposed by no. Any abstentions?

Yes, 6                      No, 0

Clerk of Council Norris: T 119 is adopted as amended becoming permanent ordinance 4471-2007.  
Permanent Ordinance No. 4471-2007

T 121-2007    AN ORDINANCE AMENDING ORDINANCE NO. 4429-2007 OUTLINING  
4472-2007    GENERAL REQUIREMENTS REGARDING LIENS.

Third Reading

moved by Olesen, seconded by Butkowski to adopt tonight T 121

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, I just would like to add again, that we spoke about this ordinance during the last Council meeting and I was concerned about reducing the number of days from 35 days to five days. The amendments that we just made to the two previous ordinances takes care of that issue since residents would have been properly notified in writing well in advance of this action taking place.

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

Yes, 6                      No, 0

Clerk of Council Norris: T 121 is adopted becoming permanent ordinance 4472-2007.  
Permanent Ordinance No. 4472-2007

President Arndt: That concludes our third readings for the evening and we have no old business. Dr. Norris, would you please read our upcoming meeting announcements.

**UPCOMING MEETING ANNOUNCEMENTS:**

Clerk of Council Norris:

Public Hearing to be held Monday, November 5, 2007 at 7:20 P.M. re: T 135-2007

Next Regular Council Meeting Monday, November 5, 2007 at 7:30 P.M. in Council Chambers

ADJOURN:

moved by Butkowski to adjourn

Auditor Costin: Mr. President, I'm sorry Mrs. Manning isn't here; but I believe she was going to schedule a Finance meeting for October 23 at 4:15 P.M. I don't have the authority to do that, but I believe we should formerly do that because that was the intention.

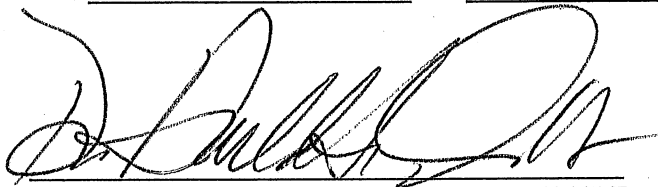
Council Member Boose: Mr. President, I have spoken with the Council Clerk about that and there will be a notice going out on that. It is October 23 at 4:15 P.M.

President Arndt: Thank you.

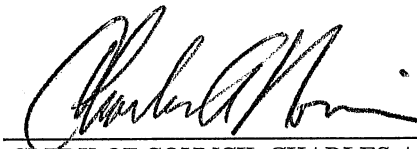
Meeting adjourned at 8:24 P.M.

MOTION \_\_\_\_\_ Jaenke \_\_\_\_\_ 2ND \_\_\_\_\_ Butkowski \_\_\_\_\_ DATE \_\_\_\_\_ November 5, 2007 \_\_\_\_\_

YES \_\_\_\_\_ 6 \_\_\_\_\_ NO \_\_\_\_\_ 0 \_\_\_\_\_ ABSTAIN \_\_\_\_\_ 1 - Manning \_\_\_\_\_



PRESIDENT OF COUNCIL DR. RONALD F. ARNDT



CLERK OF COUNCIL CHARLES A. NORRIS