

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING OCTOBER 1, 2007**

CALL TO ORDER: 7:30 P.M.

President of Council Ronald Arndt called the North Ridgeville City Council Regular meeting dated Monday, October 1, 2007 to order.

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, Gayle Manning and President Ronald Arndt.

Also, present were Mayor David Gillock, Safety-Service Director Denny Johnson, Law Director Andrew Crites, Engineer Larry Griffith, Auditor Chris Costin and Clerk of Council Charles Norris.

MINUTES - Corrections (if any) and Approval:

Clerk of Council Norris: Council has before it:

Council Minutes of regular meeting held September 4, 2007

 moved by Jaenke, seconded by Manning to approve the Council minutes of the regular meeting held September 4, 2007

President Arndt: Is there any discussion?

Council Member Boose: Mr. President. I have two additions on page four under the Planning Commission Report to Council of regular meeting August 14, 2007. I noted during that discussion that to avoid any potential conflict of interest, it was necessary for me to abstain from voting in which I did. Then, on page six, under Finance Committee Report #5681 dated August 21, 2007, I also made the statement that the base figures for the equipment and installation of Galaxy AMR Systems and Meters in the amount of 184,000 and 121,000 respectively, be reviewed and confirmed in the Facility Improvement Measure Summary Table for the HP 300 project, because, once we set those figures, we have to live with those figures for ten years. That is all I have. Thank you.

President Arndt: Those additions will be duly noted. Is there any other discussion?

Council Member Buescher: Mr. President, since the minutes do not contain the important discussion that we had concerning the Bagley, Lorain property and the vote of City Council; because of a malfunction in the tape system, I will be voting no.

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

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

Clerk of Council Norris: Minutes are approved by a vote of five to one with one abstention.

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Public Hearing Minutes of September 17, 2007 re: T 64-2007
moved by Jaenke, seconded by Olesen to approve the Public Hearing minutes of
September 17, 2007 regarding T 64

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

Yes, 7 No, 0

Clerk of Council Norris: Minutes are approved.

Council Minutes of regular meeting held September 17, 2007
moved by Jaenke, seconded by Olesen to approve the Council minutes of the regular
meeting held September 17, 2007

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

Yes, 7 No, 0

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

Board of Zoning & Building Appeals Minutes of regular meeting August 23, 2007;
Parks & Recreation Commission Minutes of regular meeting August 22, 2007; and
Civil Service Commission Minutes of regular meeting September 18, 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 present Council with their oral
report. Tonight, we would like to begin with our Mayor, Mr. Gillock.

MAYOR AND DIRECTORS REPORTS:

• **Mayor:**

Mayor Gillock: Good evening, everyone. I have several items that I would like to bring to your
attention tonight. First, I would like to let those residents that are interested know, that there will
be a public meeting October 16, at 6:30 P.M. in Council Chambers, to explain our Community
Housing Improvement Program. We recently received a 528,000 dollar grant providing for basic
housing activities. We have available 266,000 dollars for home owner rehabilitation, 68,000
dollars for home repair, 83,000 dollars for down payment rehabilitation assistance and 58,000
dollars for private rental rehabilitation. There are age and income guidelines that participants
must meet in order to be eligible. If interested, please attend the meeting, again, that is 6:30
P.M., October 16, to learn about the programs and applications will be available at that meeting.

I would also like to let interested persons know that at the next Planning Commission meeting,
we have an applicant that would like to build a new motel in our community. To learn more,
please attend the Planning Commission meeting, which is open to all. That meeting is at 7:00
P.M. on October 9, also here in Council Chambers.

We have had calls regarding mosquitos and I have had several discussions with the County Health Department regarding this issue and a meeting was held this morning. To remind everyone, the City does not spray or control mosquitos, but that is the responsibility of the County Health Department. The County no longer sprays for mosquitos unless they have a documented public health need, such as a case of the West Nile virus. In fact, they have not sprayed at all in Cuyahoga County this year either. The good news is that we have not had a case documented in Lorain County so far, this year. Adulticiding or spraying is the least affective method of mosquito control. In August, the Health Department did visit North Ridgeville and did apply larvicide to standing water, which works in a couple of ways. One ingredient causes the existing mosquitos to die right away, while the other ingredient acts as a growth inhibitor, which helps keep the mosquitos down for about 30 days. They will again be checking areas in North Ridgeville this week and applying larvicide where necessary. However, the best mosquito control is simply cooler weather, which isn't that far away.

Lastly, since we only have one more Council meeting before Halloween, I would like to make everyone aware that we will again participate, along with other cities in the County, in recognizing Halloween on October 31, from 6:00 P.M. until 8:00 P.M. It will be the same evening that all the other cities hold this event and that will be October 31. Thank you and 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: Thank you, Mr. President. Council Members should have received a copy of the Solid Waste Management District Plan. That is this plan right here, which is about one and a half inch thick. These are the people responsible for reducing waste and encouraging recycling. T 132 on your agenda tonight, disapproves this plan and if we are joined by enough other communities within the County, we will force the District to look at changes that North Ridgeville needs for our residents. Basically, the plan calls for automated trash pick up by specialized trucks. The stumbling block in the plan is the limited pick up. Anything that cannot fit into the container will not be collected. I hope that Council supports T 132 tonight, allowing us to seek a better deal for our residents in the entire County.

T 130 on your agenda tonight is vital to preserving the little control the City has in terms of cable television service. Senate Bill 117 has moved all regulatory authority to the State. It is still unclear just how much we have lost. However, we are on the air tonight and we still have our Time Warner provided cameraman.

Finally, I'd like to remind the audience that today, October 1, marks the first day of escalated deer car crashes. From now until Christmas, please be watchful for deer running across the road. When you see one, expect more. That concludes my report.

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

• **Engineer:**

Engineer Griffith: Thank you, Mr. President. Ann Marie Vincent, a Life Scientist with the US EPA, who also happens to be a North Ridgeville resident, along with Ted Colin, the Black River Remedial Action Plan Coordinator for the Ohio EPA were in North Ridgeville on Thursday, September 27. They were conducting a sight surveying for possible locations along French Creek in North Ridgeville, Avon and Sheffield to do a demonstration stream bed remedial project. We gave them a list of possible locations in North Ridgeville to look at. At about 3:00 that afternoon, I received an email from Ted where he said the following and I quote:

As written in the French Creek brochure, referring to this little brochure that I have here, which I have a bunch of downstairs if anyone is interested in picking one up, one of the critters missing from the Black River basin is the river otter. They were killed off long ago, but several watersheds in northern Ohio had received some otters years ago, in hopes that they would spread around. This morning, while Anne Marie and I were looking over potential sites for stream bed remediation, we saw a river otter in French Creek, end of quote.

This fact would indicate that the storm water management measures, started four years ago, are already showing positive results. This is however, only the start. We all need to continue respecting the environment in order to preserve this great County we have. Thank you, that concludes my report this evening.

President Arndt: Thank you, Mr. Engineer. We now get to hear from our Auditor Mr. Costin.

• **Auditor:**

Comprehensive Annual Financial Report for the Year Ended December 31, 2006.

Auditor Costin: Thank you, Mr. President. There is no report scheduled for today. However, I would like to bring to your attention, under ordinances and resolution submittals, T 129, an ordinance amending our appropriation ordinance. We do have other appropriation matters that we are working on in our office. However, I would request that Council consider waiving their By-Laws and passing this particular ordinance tonight with the emergency. It deals with, primarily, Park and Rec trust monies. These are program monies received over and above the amount we have estimated and when they have additional monies, they have additional related bills for the program and we need to pay those. I would request that you consider passing 129 with the emergency. Another ordinance will be following this one. However, this is the most urgent at this time.

 moved by Arndt, seconded by Boose to suspend our By-Laws to give T 129 its first reading tonight

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, I understand that we may not need this information now. However, we will need it later. If I could ask the Auditor specifically what the reason for the emergency will be so that we state it clearly.

Auditor Costin: The reason for the emergency is that we have incurred these expenses related to these programs and we need to pay the bills.

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

Yes, 7 No, 0

President Arndt: Thank you, Mr. Costin. 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:

Police Department Support Car Report for August 2007;
Water System Operation Report for August 2007; and
Fire Department Report for August 2007.

President Arndt: There are no Council Committee Reports, so we can move now to the two pieces of correspondence.

CORRESPONDENCE:

Clerk of Council Norris: Two items of correspondence this evening:

- 1) Received from the Auditor of State, Mary Taylor, the audit of the financial statements of the City for the year ended December 31, 2006.
- 2) Received a memo from Service Department Superintendent Chris Rangus, in regard to sanitary sewer inflow and infiltration short term and long term solutions and future manpower levels of the Sewer Department.

President Arndt: We have no new business and we will now move to the audience participation section of our meeting tonight or our lobby section.

AUDIENCE PARTICIPATION (Lobby):

President Arndt: Any members of our audience tonight are welcomed and invited to speak to your City Council. We do request that you fill out the lobby form that you can find in the back of the room. As I stated earlier, it gives us the opportunity to contact you personally should there be a need for any individual follow up. When you approach the podium immediately to the right of Mrs. Buescher, please clearly state your name and address. For the benefit of Council, our Administration and everyone in the audience, all comments are directed to and through the Chair

and this is an opportunity for anybody in the audience to share any comments or any concerns. That being the case, all comments are limited to three minutes. The lobby is now open. Anyone who chooses to address your City Council, please feel free to do so.

- 1) Charlie Neff of the Lorain County Mental Health Board spoke about the Mental Health renewal levy and the benefits to North Ridgeville residents. Asked for support of this levy.
- 2) Megan Woost of 5048 Ravenway Drive spoke regarding angry residents within Avalon Estates Subdivision due to the removal of hundreds of trees by the developer and provided two ideas she would like Council to consider regarding legislation changes referring to reversing ordinance 1032.06 (f) and the replacement of trees that are removed by the developer.
Mayor Gillock: Mr. President, if I might respond to that just briefly. Last year, I introduced an ordinance to change that very ordinance to allow trees in tree lawns. It has been hung up in Committee. We have met with an arborist from Westlake, the Ohio Department of Natural Resources and Ohio Edison to try and find trees that could work. We would certainly like to get that started again and reactivated, as I think that is an excellent suggestion.
- 3) Gary Crumley of 37772 Avalon Drive spoke regarding his opposition to the connection of Otten Road and provided a synopsis of his research after talking with the Engineer, Fire Chief, Police Chief, Mr. Eavenson of Oster Development and Mr. Spillman of the Lorain County Tax Map Department.
- 4) Don Mladek of 5408 Otten Road spoke regarding his opposition to the connection of Otten Road due to the safety of the children at play.
- 5) Randy Varner of 5215 Otten Road spoke regarding his opposition to the connection of Otten Road due to the safety of the children at play as well as the speeding motorists. He asked Council to consider a three way stop if this connection has to go through.
- 6) Louise Myles of 37797 Avalon Drive spoke regarding her opposition to the connection of Otten Road due to the increase in traffic.

President Arndt: Is there anyone else who would choose to address your City Council with comments other than those that we have just heard?

Mayor Gillock: Mr. President, if I might respond. I wanted to give our residents a chance to say their peace and then try to answer their concerns all at once. Before I get into my prepared remarks, I would first like to say that there is a misconception that this is my decision, that I am all powerful and can say, no more street. If I could do that, I would do that. It is not quite that simple. A flyer was circulated anonymously through the Avalon area that also might give someone the wrong impression as to our investigation into the issue. I would like to take a little time with this as it is important to a lot of residents. First, personally, it is irrelevant to me as to whether the road connects or not. I don't live down there, you do. I have to look at the issue from the standpoint as a City as a whole and that is why I requested input from not only the Police and Fire Chief as the flyer would indicate, but also from the City Engineer, who has a

background in traffic engineering and the City Law Director. I am not ignoring 300 residents, but because of their petition, I have spent more time investigating this issue than anything else we have looked at in the last six months. The flyer indicates that the Police Chief recommends not connecting the street and that is true. He also said that it would decrease the time a cruiser needs to respond from one development to the other and it would be a convenience for the zone car to move from one neighborhood to the other on a routine basis. Given the volume of traffic on Avalon indicated by the Stealth Stat, which we did put out on that street and the records that it showed, he did recommend that the streets not be connected. The flyer then states that the Fire Chief would like to see the streets connected in case of a fire or EMS call. It then states and I quote: Fire Chief also admits the odds of this is small. Actually, no where in the Fire Chief's letter does it say this. I want to briefly go over the Fire Chief's letter. Dear Mayor Gillock, the Fire Department would like to express its support for the extension of Otten Road to Avalon Drive. Not only does it tie two major subdivisions together, but it also creates another north-south access for responding units during an emergency. Connecting Otten to Avalon also gives us another street to stage emergency vehicles if there was a fire on Avalon Drive. This would keep emergency vehicles from closing down Avalon so that residents not involved in the emergency would still be able to access their homes. The Fire Department plans to add another Fire Station in the northwest quadrant of the City in the near future. The location of this station will be based on accessibility to Meadow Lakes Drive, which is the north-south corridor and the opening of Otten Road to Avalon would now make it more accessible for our future Fire Station. Anytime that a new access is created, it can only help to improve our response. The flyer states that if there is a need for police, fire or EMS, they would take the fastest route, which is Stoney Ridge or Case and you can see from the Fire Chief's letter that, that is not the case. The flyer does not mention the City Engineer. He brings up a number of points that are critical to the City's position. One internal circulation such as this is good because it keeps traffic off of other major roads and it helps reduce accidents on major roads where more serious crashes occur. If Otten did go through, there should be cul-de-sacs at each of the stub ends. This is a safety factor for our emergency vehicles. It is required by ordinance. Since there are already houses built on the Meadow Lakes side, that would be impossible. Stopping the road would require a redesign, which would hold up construction and involve engineering costs. Oster would not agree to the delay and additional costs without being reimbursed. I know this is true because I have had discussions with Oster Homes. Larry points out that Oster would be correct in doing as the plat has been before Planning and Council three times and approved all six times. Oster agreed that they would leave out the ten feet of concrete of pavement if we asked him to, but he would not redesign the street as would be required. Lastly and more importantly is the legal issue and I would ask the Law Director to speak to this issue. He has indicated in a written opinion that any action to change this street would have to be initiated and procured by the developer. For the City to do so would constitute a legal taking and I would like him to explain his opinion please. Mr. Crites, if the Chair would allow, I would like you to respond to that.

President Arndt: Please, Mr. Crites.

Law Director Crites: Certainly, Mr. Mayor. Actually, you already paraphrased the legality of the situation, but I will try to state it again in plain language. Excellent points are being made about the potential problems of this through street and I understand completely. It is not really my point to understand or not. It is my point to evaluate the legal aspect of it. What I'm getting to

is, is that there was also a point made that Mr. Crumley stated that the Lorain County office advised and stated that it was up to the City to make these changes. To a degree it is but, actually, it is up to the City to ratify the changes. These changes at this point in time; now that this plat has been approved by Planning Commission and by Council and is set, these changes have to be precipitated by the developer at this point in time. It is his land, his plan that was brought before the City, approved by Planning Commission and approved by Council. He has justifiably relied on that and has moved forward. By no means do I suggest that it is all your fault for not being at Planning Commission, because I understand that half of you probably didn't even live there when this thing was getting approved. Even if you did, in your busy lives, you probably didn't plan on going to Planning Commission every night to see what was going on. The point I am making is once those plans came through and were approved through the phases of Planning Commission and then ratified by Council and then filed with the County, it became set as in the design and use of that property by that developer. For us, the City, to unilaterally, assuming that we did have the authority granted to us by the Ohio Constitution, to unilaterally, go and say no developer, you can't use your land that way or this land that you have designed for this use is going to have to be changed that way, would have to be borne out of some derivative or the power of an eminent domain, which I don't know if you have been reading the papers, isn't in very high favor of the courts right now and I'm not so sure we would even be successful. It is up to the developer now to come to the City and I don't know to what degree you, as a group, have appealed to the developer as his customer; the people that live there, that you don't want it to be this way. If he were to come back and say that we want to change this, of course, it would be considered by Planning Commission again, along with Council and the Mayor. However, the problem you've got and I'm sure you realize that any change in the use or in a redesign is going to cost him money and cause him to lose money. I have to be skeptical about his willingness to do that. For the City to come and unilaterally and try to exercise our muscle as a municipality and tell him you must change this, would be constituted as a taking, again, born out of an eminent domain where we would have to compensate him and probably end up in court for two and a half years. Not to let the cat out of the bag, I think our chance of success would be problematic at best in doing so. I don't know if I have made myself clear where we are in the process and where it is now. It is next to impossible for the City to be the body that precipitates this change. In my opinion, it would have to come from the developer and I may be talking for Council and the Mayor, but if it did, I think that the developer would very likely find a receptive ear, if he did in fact want to make the changes that you people have requested.

President Arndt: Thank you. Anything else Mr. Mayor that you needed to share? Anyone else before lobby session is closed?

7) Sharlene Huff of 5060 Ravenway Drive spoke regarding the past actions of Oster and expressed her thoughts of this developer. She voiced her concern regarding the loss of the trees around her and her concern relating to the safety of the children due to the increased traffic.

8) Jeff Cruz of 5001 Ravenway Drive expressed his concerns regarding other deals that might be taken place with the Oster development that the residents aren't aware of. He asked to see the plat layout of the rest of Avalon Estates and asked who would have this information.

President Arndt: The Engineer.

Mr. Cruz: Is there a cost to that?

Engineer Griffith: Not to look.

Mr. Cruz: Good, because I would like to see what is going on. Then, maybe I would take the time to attend meetings and try to be proactive instead of reactive, because what we have here is a reactive crowd. We would like to be proactive and stop this nonsense. I have a dog. I don't have a kid and I'll tell you what, if someone runs that dog over, he's going to need your ambulance. So, you might need your drive through.

President Arndt: Anyone else who chooses to address your City Council? There being none, this lobby is officially closed.

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

Yes, 7 No, 0

RECESS: dispensed with

President Arndt: We now move into our ordinance and resolution submittals and Dr. Norris, if you would please begin

ORDINANCES AND RESOLUTIONS:

• **Ordinances & Resolutions Submittals**

Clerk of Council Norris:

T 130-2007 AN ORDINANCE DETERMINING THE VIDEO SERVICE PROVIDER FEE TO BE PAID BY A VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE CITY OF NORTH RIDGEVILLE PURSUANT TO A VIDEO SERVICE AUTHORIZATION, AND AUTHORIZING THE MAYOR TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE VIDEO SERVICE PROVIDER FEE.

moved by Arndt, seconded by Olesen to suspend the By-Laws tonight to give T 130 its first reading

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

Yes, 7 No, 0

T 131-2007 AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS IN THE 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.**

**T 132-2007 A RESOLUTION DISAPPROVING THE SOLID WASTE MANAGEMENT
PLAN FOR THE LORAIN COUNTY SOLID WASTE MANAGEMENT
DISTRICT.**

Mayor Gillock: Mr. President, I would ask that this be referred to the Utilities Committee. We don't need to make this decision before November 5 and we would like to discuss this with Council.

President Arndt: As requested by the Mayor, the CHAIR REFERS T 132 TO THE UTILITIES COMMITTEE.

**T 133-2007 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO THE
LORAIN COUNTY ENGINEER FOR PAINTING STREET LINES WITHIN
THE CITY OF NORTH RIDGEVILLE.**

moved by Boose, seconded by Butkowski to suspend the By-Laws tonight to give T 133 its first reading

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, it is my understanding and if I'm wrong, please have someone tell me, it is my understanding, that in speaking with the Auditor's office today and with the Street Department, these monies are due and that we should expeditiously pay them. That is why I made the motion to move this particular legislation forward.

Safety-Service Director Johnson: That is correct.

Council Member Boose: Thank you.

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

Yes, 7 No, 0

**T 134-2007 AN ORDINANCE COOPERATING WITH THE DIRECTOR OF THE OHIO
DEPARTMENT OF TRANSPORTATION TO INSTALL A FREEWAY
MANAGEMENT SYSTEM FOR IR 90 AND IR 71 THROUGHOUT THE
CLEVELAND AREA INCLUDING INSTALLATION OF A CLOSED
CIRCUIT TELEVISION ON IR 480 NORTHEAST OF THE IR 80
INTERCHANGE IN THE CITY OF NORTH RIDGEVILLE, OHIO.**

moved by Mayor Gillock, seconded by Buescher to suspend the By-Laws tonight to give T 134 its first reading

President Arndt: Is there any discussion?

Mayor Gillock: Mr. President, we would also like this adopted with the emergency clause. This is at the request of the Ohio Department of Transportation. They are putting a freeway management system throughout the Cleveland area. Basically, all this is, is that they need our permission to put a TV camera up on 480. You really won't see much of anything at all. They will be able to remotely watch the freeways in the Cleveland area and know what is happening. This is just a TV camera.

President Arndt: Is that one of those set ups where you can get citations?

Mayor Gillock: No. You should probably be able to go onto a web cam and see what the traffic is like on I 480, is what it is for.

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

Yes, 7 No, 0

President Arndt: That concludes all of our ordinance and resolution submittals. We will begin, Dr. Norris with our first readings with T 103, please.

• **First Readings**

Clerk of Council Norris:

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

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

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

Council Member Boose: Mr. President. I had conversations today with the Law Director and also with the Chief Building Officer regarding section two, where a subsequent violation of the same or of a substantially similar violation occurs on the same property with the same ownership as the prior 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. In speaking with the Chief Building Officer, he indicated that this is really out of habitual repeat offenders of the codes. As someone earlier had indicated during this meeting, they cite someone, they take care of it and then you have to cite them again and you have to wait again for the notice time period to go through. I understand that, that is the intent of the habitual offenders. However, it doesn't say that specifically because it can be applied to someone who violates something this year and then violates it again ten years later. It's the same person, same owner, same violation and then they, theoretically, could be cited to the appropriate court without prior notice. In speaking with the Chief Building Officer, he indicated that our current notices; the initial notice of a violation indicate that you have the right to appeal. I got home this evening and I looked through a couple of notices of zoning violation copies that were provided to me from residents in my ward that received notice back in July of this year and no where on the notice does it say they have that right to appeal. What I would like to recommend between now and the third reading that

perhaps, Council get together with the Chief Building Officer and or the Law Director and see if we can't work out something to whereas, either these notices indicate that you can appeal or something because again, I have an issue with someone not having notice of a violation even if you are a repeat offender. Thank you.

President Arndt: Thank you, Mr. Boose. Mr. Crites, what is the possibility of you being able to review this before our next meeting?

Law Director Crites: Very high.

President Arndt: So it shall be.

Law Director Crites: If I might speak to it. I actually had an opportunity to speak with Councilman Boose about this today. The suggestion makes sense. What I plan on doing is of course run it by the Chief Building Official and if he agrees with Dennis's suggestion, which I think he may do. I think it is a fair suggestion that even on the second violation you would be afforded some degree of notice if not the equal degree of notice. What we would do when we return here on either the second or third reading to put forth a motion to amend the proposed ordinance on the floor accordingly.

Council Member Butkowski: Mr. Chairman, some of these notices take six weeks in order for these people to be notified because they send out registered letters. The individual doesn't pick up the registered letter and they have to wait a long time. These people have been notified about this violation. They pick up the violation and they go back and do it again. That is why they are trying to speed up that second violation. Maybe, they could be notified by just dropping off a sticker and tacking it on the door by the Police Department. If they would have to go through and send registered letters and then wait all that time, they have to wait like three weeks when those letters aren't picked up. Then, they go back and there is something else that they have to do and then it is finally delivered by the Police Department. It can take up to six weeks with that violation sitting there, whatever it happens to be. We have to speed up some of these second violation procedures, because we have to clean up this City. There is a lot of violations that are out there that are just not getting cleaned up because our legislation prohibits it.

Council Member Olesen: I was talking to Paul in the Building Department the other day about the very same thing that we are talking about. He has to send out a certified letter to everyone in violation. As an example, there may be three lawns in the Presidential Estates not cut as they are vacant property. I had a call from a resident about this. I spoke with Paul regarding this and he told me that they will get them cut. He sent out a certified notice that these lawns have to be cut. If they are not cut by you within three days, we will cut them and bill you. There will be a lien on that property. The lawns were cut. They came out and did it. I think the system works pretty well. If you talk to Paul, downstairs, he has an equivalent number of offenses on his desk that is higher than the paper products on all of these desks here. He is working diligently on this. I don't want to put any road blocks in front of him to delay this process any more. We have to be very careful on this.

Council Member Boose: Mr. President, I am not discounting at all the urgency to which we need to do these. No one knows better than I that in my ward, Ward II; one of the oldest wards in this City, there is a lot of things that need to be done with some of these houses, lawns, repairs and I am constantly in communication with the Building Department on these. However, I think we also still need to make sure that we protect the citizens in this endeavor and there may be some

procedural things that we can do to help expedite these things beyond not giving notice. That is my only caution. Maybe, we put a time limit on it that a second notice within three months, six months or a year; just so that the resident's rights are protected. Again, I don't want to slow the process down either. You also have to weight that with protecting the rights of the residents as well.

President Arndt: Thank you, Mr. Boose. Dr. Norris, we will continue on with T 135.

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.

First Reading

T 129-2007 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 4380-
4465-2007 2007, 4405-2007 AND 4433-2007 FOR THE CITY OF NORTH RIDGEVILLE,
OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2007 AND ENDING
DECEMBER 31, 2007.

First Reading

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

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

Yes, 7 No, 0

moved by Boose, seconded by Butkowski to adopt tonight T 129

Council Member Boose: Mr. President, I move to add the emergency tonight to T 129 in order to
pay those bills in a timely manner.

Auditor Costin: Mr. Chairman, I think I may have misled you when I said it that way. What we
need to do is fund the programs that we have committed to. We really have not incurred the
bills. What happens in this case is that in the beginning of the year, they do their budget
estimating their program expense and if there are more participants, they incur more program
expense, more t-shirts, more instructor fees. What they have done is use up their appropriation;
because of that, they still have upcoming programs we have to fund and so we have to replace the
appropriation. We have to increase the appropriations. The money is there, because they had
higher participants; so now we have to increase the appropriations. It's not that we are paying
bills necessarily, it is that we still need to fund the programs that we are committed to and I think
that would be the better terminology.

Council Member Boose: If that is okay, Mr. President, I'll restate the reason for the emergency.

moved by Boose, seconded by Butkowski to add the emergency tonight to T 129
so that we can fund the necessary programs.

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

Yes, 7 No, 0

President Arndt: In addition we have a motion on the floor by Mr. Boose and a second by Mrs. Butkowski to adopt tonight T 129 with the emergency. Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 129 is adopted with the emergency and becomes permanent ordinance 4465-2007.

Permanent Ordinance No. 4465-2007

T 130-2007 AN ORDINANCE DETERMINING THE VIDEO SERVICE PROVIDER FEE
4466-2007 TO BE PAID BY A VIDEO SERVICE PROVIDER OFFERING VIDEO
SERVICE IN THE CITY OF NORTH RIDGEVILLE PURSUANT TO A
VIDEO SERVICE AUTHORIZATION, AND AUTHORIZING THE MAYOR
TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE VIDEO
SERVICE PROVIDER FEE.

First Reading

moved by Arndt, seconded by Boose to dispense with the second and third
readings on T 130

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

Yes, 7 No, 0

moved by Arndt, seconded by Boose to adopt tonight T 130

moved by Arndt, seconded by Boose to add the emergency tonight to T 130

President Arndt: Mr. Johnson, would you help us restate the reason for that emergency.

Safety-Service Director Johnson: I would defer that to Mr. Crites.

Law Director Crites: The base of the emergency is that any day now, we are going to get served notice from Time Warner of their election under the new Senate; now law, that came out of the Senate Bill, to operate under the new law and to opt out of our previously existing franchise agreement and we will then have ten days after receipt of that notice to have passed legislation defining and setting our franchise fee. If we don't, it is forever lost. It is highly in our best interest to get this passed in advance.

President Arndt: To secure our franchise fee?

Law Director Crites: Correct.

President Arndt: That is the reason for the emergency. Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

President Arndt: Additionally, we have a motion on the floor by Arndt and a second by Mr. Boose to adopt tonight T 130 with the emergency. Is there any discussion?

Council Member Boose: Mr. President, just to note again, in a conversation I had earlier with the Law Director; you will see that we are requesting the fee of three-percent. The law allows us to take up to five-percent. Anything over three-percent can be passed onto the subscribers as basically an unpassed tax of a fee that you would pay. Rather than have the residents pay anything extra, we are keeping our fees to three-percent.

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

Yes, 7 No, 0

Clerk of Council Norris: T 130 is passed with the emergency becoming permanent ordinance 4466-2007.

Permanent Ordinance No. 4466-2007

T 133-2007 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO THE
1112-2007 LORAIN COUNTY ENGINEER FOR PAINTING STREET LINES WITHIN
THE CITY OF NORTH RIDGEVILLE.

First Reading

moved by Boose, seconded by Butkowski to dispense with the second and third readings tonight on T 133

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

Yes, 7 No, 0

moved by Boose, seconded by Butkowski to adopt tonight T 133

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

Yes, 7 No, 0

Clerk of Council Norris: T 133 is adopted becoming permanent resolution 1112-2007.

Permanent Resolution No. 1112-2007

T 134-2007 AN ORDINANCE COOPERATING WITH THE DIRECTOR OF THE OHIO
4467-2007 DEPARTMENT OF TRANSPORTATION TO INSTALL A FREEWAY
MANAGEMENT SYSTEM FOR IR 90 AND IR 71 THROUGHOUT THE
CLEVELAND AREA INCLUDING INSTALLATION OF A CLOSED
CIRCUIT TELEVISION ON IR 480 NORTHEAST OF THE IR 80
INTERCHANGE IN THE CITY OF NORTH RIDGEVILLE, OHIO.

First Reading

moved by Olesen, seconded by Jaenke to dispense with the second and third readings tonight on T 134

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

Yes, 7 No, 0

moved by Olesen, seconded by Jaenke to adopt tonight T 134

moved by Butkowski, seconded by Jaenke to add the emergency so this project can be started and giving the approval to Cleveland

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

Yes, 7 No, 0

President Arndt: Additionally, we have a motion on the floor by Mr. Olesen and a second by Mr. Jaenke adopt-tonight T 134 with the emergency. Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 134 is adopted with the emergency and becomes permanent ordinance 4467-2007.

Permanent Ordinance No. 4467-2007

President Arndt: That concludes all of our first readings. We are now on second readings. Dr. Norris, if you will begin with T 118.

• **Second Readings**

Clerk of Council Norris:

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

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

Council Member Boose: Mr. President, I would, once again, ask the Law Director if he could review this similar to the previous ordinance that we discussed regarding the no prior notice on the second or subsequent violations.

President Arndt: He's got that. Thank you, Mr. Boose.

Council Member Butkowski: Mr. Chairman, this was what I was bringing up before with my conversations. These people have already had notices and according to Paul, he said that this would only go for a year and then it would start over again at the first of the year. We have a lot of people that right now are repeat offenders and the man that was sitting out in the audience was talking about that old beat up vehicle sitting in the yards. We have those all over the City. We have some in our neighborhood who have been cited and two weeks later, they are back doing the same thing. This is what will help Paul get this taken care of a lot quicker. He said that this only lasts for a year. This is not under the home maintenance section, as the other ones were, this is under a different codified ordinance as a public nuisance and I'm not sure if there is something else in that public nuisance section or not to do that. I would like to pass this tonight so that Paul could get his job done. His hands are tied.

Council Member Buescher: Mr. President, I also agree with Mr. Boose that there does have to be a little bit of refining there for the protection of the residents. I had that feeling too when I was reading that legislation. It just needs a little bit of refining.

Council Member Boose: Mr. President, I agree with Mrs. Butkowski in that we need to get these things taken care of expeditiously. I have no issue with that at all and in fact there is a one year limitation on that, I would certainly consider that toward the right area of working within this. I don't see anything in here that says that there is a one year limitation. Again, in agreement with Mrs. Buescher, I think we just need to tweak it a little bit; that's all. Just to make sure that our resident's rights are protected.

President Arndt: Is there any other discussion? It appears that our Law Director is going to be challenged to come up with some keen, sharp and directive legislation to modify that and to make some slight tweaking.

Law Director Crites: I shall do my best.

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

Second Reading

Council Member Boose: Mr. President, this is the third and final ordinance that I had spoken to the Law Director and to the Chief Building Official in regards to the change in section one; indicating that there would be a change reading, which would say this: Unless otherwise provided for by ordinance, the land owner shall have the right to appeal a notice of intent to lien the property to the Board of Zoning and Building Appeals by filing an appeal with the Clerk of Council within thirty-five days of notice. That will now change to five days of notice and the reason I bring this up is because, I think that five days is too short. I could be on vacation. I may not get the mail in five days. In speaking with the Chief Building Official, his greatest concern again, was the repeat offender. He indicated, again, that on the notice of violations it already indicates that there is an appeal process. Again, in the notice of violation copies that I received by several residents, there is no such disclosure and so therefore, perhaps all we need to do in a procedural sort of thing is to make sure that the first notices do have something like that and maybe go from five days to fifteen days. Again, I don't want to delay these repeat offenders either. In protecting the rights of everyone, I would again ask the Law Director to check into that for us.

Mayor Gillock: Mr. President, I would just like to add a comment in regards to the change of 35 days to five, in that long before they are given the notice that their property will incur a tax lien, the process has been going on and they have been notified and asked to make those corrections and so, by the time you get to filing a lien on the property, you have gone through a long drawn out process already. It is not like this is suddenly dropped on them all at once in that they have five days to fix it or we are going to lien your property. That is not the case.

President Arndt: I suspect that the appearance of that, causes some trepidation. Thank you.

Council Member Olesen: To add onto what the Mayor said. This also means that there is a lot more work in the Building Department to go through this additional processing. We have a lot more expense in certified letters. This is very costly to the City to keep on billing and billing

these people and to pay five or six dollars for every certified letter that gets mailed. I think that is important to consider also.

President Arndt: Thank you. Third readings. Dr. Norris, T 115.

• **Third Readings**

Clerk of Council Norris: There is a singular third reading:

T 115-2007 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
4468-2007 CONTRACT WITH EATON TOWNSHIP TO CREATE AND PROVIDE FOR
THE OPERATION OF A JOINT ECONOMIC DEVELOPMENT DISTRICT
(JEDD) IN ACCORDANCE WITH THE OHIO REVISED CODE FOR THE
MUTUAL BENEFIT OF THE RESIDENTS OF EATON TOWNSHIP AND
THE CITY OF NORTH RIDGEVILLE.

Third Reading

moved by Olesen, seconded by Jaenke to adopt tonight T 115

moved by Arndt, seconded by Jaenke to add the emergency tonight to T 115

President Arndt: I'm going to ask the Law Director to provide a succinct description for the emergency.

Law Director Crites: Because the other party to the agreement, Eaton Township, has passed their resolution. Therefore, we need to pass this tonight to allow the Mayor the ability to sign the contact so we can move forward on this project.

President Arndt: Is there any discussion?

Council Member Butkowski: Mr. Chairman, this is wonderful legislation that we have here. It is a step in the right direction for minor regionalization and helping another community so that we can all grow and bring in some new taxes and commerce to our area.

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

Yes, 7 No, 0

President Arndt: Additionally, we have a motion on the floor by Mr. Olesen and a second by Mr. Jaenke to adopt, tonight, T 115 with the emergency. Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 115 is adopted with the emergency and becomes permanent ordinance 4468-2007.

Permanent Ordinance No. 4468-2007

President Arndt: That concludes all of our old business and Dr. Norris, would you please read our upcoming meeting announcements.

UPCOMING MEETING ANNOUNCEMENTS:

Clerk of Council Norris:

Public Hearing to be held Monday, October 15, 2007 re: T 127-2007

Next Regular Council Meeting Monday, October 15, 2007 at 7:30 P.M. in Council Chambers

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

President Arndt: The Chair will assign a time, for clarification, to the Public Hearing, Monday, October 15 regarding T 127 will be at 7:20 P.M. The Chair will entertain a motion.

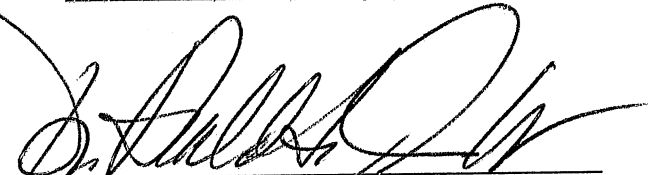
ADJOURN:

moved by Jaenke to adjourn

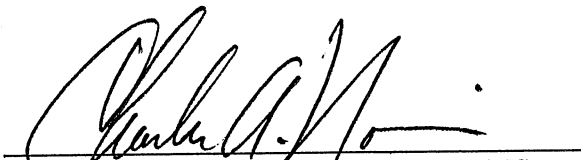
Meeting adjourned at 8:50 P.M.

MOTION Jaenke 2ND Boose DATE October 15, 2007

YES 7 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL DR. RONALD F. ARNDT



CLERK OF COUNCIL CHARLES A. NORRIS