

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING SEPTEMBER 18, 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, September 18, 2006. 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, 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.

President Arndt: Mrs. Butkowski is not in attendance this evening, as she is out of town.

MINUTES - Corrections (if any) and Approval:

Clerk of Council Norris: Minutes before Council this evening include:

Public Hearing Minutes of September 5, 2006 re: T 32-2006

moved by Buescher, seconded by Jaenke to approve the Public Hearing Minutes dated September 5, 2006 regarding T 32

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 September 5, 2006

moved by Buescher, seconded by Jaenke to approve the Council Minutes of their regular meeting dated September 5, 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 before them this evening are the:

Planning Commission Minutes of regular meeting September 12, 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. On Thursday of this week, I will be making a presentation before the Transportation Review Advisory Board, the nine member committee that allocates federal funds for infrastructure improvements in excess of five million dollars. This, of course, is for the Center Ridge Road Widening Project. Last month, we successfully passed another step in the process with NOACA, as we continue this long journey.

Residents will hopefully notice that the dirt pile at the corner of Rt 83 and Center Ridge is now gone. Also, the old trailer park on Lorain Road is history and that parcel continues to be cleaned up and prepared for development.

We have successfully completed a land swap with Vendome Associates, giving us ownership of a parcel of land on the west side of Jaycox. This gives us the ability in the future to connect Jaycox to Rt 83 across Mildred, relieving traffic congestion on both Center Ridge Road and Forest Park, which is a private road.

Lastly, I would like to request an executive session this evening after the lobby session, to discuss property acquisition. Thank you, Mr. President 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, T134 needs to be passed tonight with the emergency clause in order to preserve the City's rights and interests in the division of Local Government Funds. This resolution needs to be overnighted to Columbus tomorrow morning, so I would appreciate your cooperation in passing this tonight.

The Root Road intersection rebuild is moving along nicely. I know this work has caused traffic delays and diverted some traffic to areas that are not use to heavy traffic. The city is working hard to keep all traffic moving as efficiently as possible. I ask motorists and residents to be patient. The work will be done soon and should greatly improve traffic flow through this busy intersection.

Finally, I'd like to take a moment to acknowledge the work of one of our newest employees. Sharon Galippo has volunteered her time for years managing the flower beds in front of our public buildings and our parks. She was hired several months ago on a part time basis in order to expand that work. Sharon, like most of our employees, takes pride in her work and I wanted to take a moment to publically thank her. 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. On Saturday, September 30, not this coming Saturday; but the Saturday after next, the Lorain County Solid Waste Management District will sponsor a household hazardous waste collection day at the Lorain County Community College and at the Lorain County Joint Vocational School. Items such as weed killer, oil based paint, paint thinner, used oil, bug spray, antifreeze, old batteries, etc. will be collected. On the last collection day, which was Saturday, May 13, seven trailer loads or over 310,000 pounds of these dangerous items were collected. This keeps these items out of the sewers, landfills and ground water. If you have any items, such as these that need to be disposed of, please take this opportunity to do so. Thank you, Mr. President, that concludes my report this evening.

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

• **Auditor:**

Auditor Chris Costin: Thank you, Mr. Chairman. I have a couple of items this evening. The first of which is the written report for the month of August that Council has already received. We request your passage.

Auditor's Written Financial Report for August 2006

 moved by Buescher, seconded by Boose to approve the Auditor's Written Financial
 Report dated August, 2006

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: Secondly, you have in front of you this evening, the two pieces of legislation that we spoke about during the Finance Committee Meeting. I would request that the appropriations be passed tonight with the emergency. As I explained during the Finance Committee Meeting, we have been waiting on some certain final information with regard to the bonding and certain allocation of costs and as a result, we could not meet cloture with that legislation. However, you

do have that before you this evening. The legislation contains the largest amounts that deal with the bonding, bond proceeds and subsequent pay off of bans. There were some reclassifications and adjustments. All the big numbers deal with the bonds. The other items were all discussed during the Finance Committee Meeting or were previously approved in the past by Council and we are reclassifying to a particular line item. Council is aware of all the items that are in the legislation and those are the three items of concern. If there are any questions regarding any particular line items, I would be more than pleased to address them when the ordinance has its first reading. The reason that we are asking it be passed by emergency is that we have to have this ordinance in place as our bonds close this week on September 21. When we receive the proceeds, we have to pay out the BANS and those expenditures are reflected in the appropriation ordinance. In order to pay those timely, I would request respectfully that Council pass this ordinance tonight with the emergency. Thank you and that concludes my comments.

President Arndt: Thank you, Mr. Costin. Dr. Norris, if you would assign both of those pieces of legislation their T numbers, please.

Clerk of Council Norris: The amended appropriation is T 135.

 moved by Olesen, second by Boose to suspend our By-Laws tonight to give T 135 its first reading

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

 Yes, 6 No, 0

Clerk of Council Norris: Motion is approved.

The second piece of legislation is T 136.

 moved by Arndt, second by Buescher to suspend our By-Laws tonight to give T 136 its first reading

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

 Yes, 6 No, 0

Clerk of Council Norris: Motion is approved.

President Arndt: Dr. Norris, if you will move onto our other reports.

• **Other Reports:**

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

Fire Department Report for July and August 2006 and
Building Department Report for August 2006.

Planning Commission Report to Council of the regular meeting September 15, 2006:

APPLICANT: John Eavenson, Oster Construction, 6150 Park Square Drive; Lorain, Ohio 44053

OWNER: City of North Ridgeville, 7307 Avon Belden Road

REQUEST: Revision to the final plat of Avalon Estates Subdivision No. 2; requesting the removal of one sidewalk located on the west side of Weatherstone Drive

LOCATION: Adjacent to the rear yards of Park Trail and west side of Weatherstone Drive in an R-1 District; Permanent Parcel No. 07-00-042-900-005

PC ACTION: Approved application subject to the developer receiving an easement from the property owners to provide for the Home Owner's Association to maintain the mounding from curb to one foot off the mounding by a vote of five to zero. Approved the removal of the sidewalk, in favor of the mound, with condition of a handicap access by a vote of five to zero.

 moved by Jaenke, seconded by Olesen to approve the Planning Commission Action with regard to the rear yards of Park Trail on the west side of Weatherstone Drive

President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, just to clarify what Planning Commission voted on. The main street going into the development is Weatherstone Drive and to the west of that is a new street called Park Trail. Park Trail is a cluster street which will obviously have sidewalks in the front yard. However, when the Weatherstone Drive Street was approved by Planning several months ago, it required that sidewalks be placed on both sides of the street. Park Trail would then have sidewalks in their front yard and also sidewalks in their back yard. That just didn't make any sense. There were three property owners that attended that meeting and all three stated that they prefer mounding in the rear yard. The developer agreed that he would put the mounding in along with trees, shrubs and grass and not put sidewalks in, which doesn't make sense at this point. That area would then be maintained by the Home Owner's Association and not the property owners. The property owners felt that the mounding would be beneficial rather than have a sidewalk in their back yard.

President Arndt: Thank you, Mr. Jaenke.

Council Member Buescher: Mr. President, all of these things that Mr. Jaenke has stated have not been stipulated in writing and I can see a problem for those involved. After reviewing the Planning Commission report, what I see is a lack of communication and a lack of correct information from Oster to the property owners involved. This issue involves ignoring approval already given for a sidewalk in the area, while the builder apparently, at his own discretion, placed a mound on private property and in the City right-of-way. This issue involves the builder, the property owners, the City and the Home Owner's Association and I don't think that what is going to take place is clear enough and as I said it could create problems down the line, so I will be voting no.

President Arndt: Any other discussion? To restate, we have a motion on the floor by Mr. Jaenke and a second by Mr. Olesen to approve the Planning Commission action regarding the rear yards of Park Trail and the west side of Weatherstone Drive. Dr. Norris, will you please take roll.

 Yes, 5 No, 1 (Buescher)

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

APPLICANT: John Eavenson, Oster Construction, 6150 Park Square Drive, Lorain, Ohio 44053

OWNER: Oster Construction, 6150 Park Square Drive, Lorain, Ohio 44053

REQUEST: Final Approval of Windsor Point Subdivision No. 5

LOCATION: Woodsledge Drive, Rocky Run Court and Otten Road
 Permanent Parcel No. 07-00-042-115-084

PC ACTION: Approved application by a vote of five to zero.
 moved by Jaenke, seconded by Olesen to approve the Planning Commission Action
 regarding the final approval of the Windsor Point Subdivision No. 5

President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, again, just an update. The final plat was approved. There was one lot that did not meet the square footage requirements and the developer did agree that it would be corrected. Other than that, it looked fine.

President Arndt: Is there any other discussion? Dr. Norris, will you please take roll?

 Yes, 5 No, 1 (Buescher)

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

COUNCIL COMMITTEE REPORTS:

1) FINANCE COMMITTEE REPORT #5621 Members of Council: We have considered the matter of the purchase of a cemetery plot as requested in a letter noted at the September 5th Council meeting and recommend that this request be approved.

Signed: Chairperson Manning and Members Jaenke and Boose.

 moved by Jaenke, seconded by Manning to accept the Finance Committee Report #5621

President Arndt: Is there any discussion?

Council Member Olesen: Yes, Mr. President. The Administrative Committee also met on this same subject and also agree that this is a valid thing to do.

President Arndt: Thank you, Mr. Olesen. 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.

2) FINANCE COMMITTEE REPORT #5622 Members of Council: We have considered the matter of the compensation of the Auditor and repealing Ordinances No. 3549-2000 and No. 4207-2005 and recommend that this request be approved and proper legislation be drawn authorizing the above.

Signed: Chairperson Manning and Members Jaenke and Boose.

 moved by Buescher, seconded by Boose to accept the Finance Committee Report #5622

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: Report is approved.

President Arndt: There is no correspondence tonight. Therefore, we will now move onto our New Business section. As you recall at our last meeting, we decided to suspend our By-Laws to give Mr. Bellamy, the Executive Director of the Lorain County Reinvestment Coalition an opportunity to give his presentation on fair housing and predatory lending as it relates to our community, North Ridgeville.

NEW BUSINESS:

Mr. Paul Bellamy, Executive Director of the Lorain County Reinvestment Coalition, gave a presentation on fair housing and predatory lending as it relates to the City of North Ridgeville. He described the history of the Fair Housing Act and explained what and whom the fair housing act protects. Mr. Bellamy spoke on the main issues that relate to foreclosures. He noted that foreclosure affects not only that particular property; but also affects the value of the surrounding properties. He explained the different ways property loans are being made today and their affect it may have on the surrounding properties. He noted that there were 200 foreclosures by actual home owners in the year 1995 in Lorain County. In the year 2005 and in less than ten years, there were 1,600 plus. Mr. Bellamy provided some informational material for those who attended this meeting. In closing, Mr. Bellamy noted that in May, this year, the Ohio Legislature finally passed a law that addresses predatory lending and provided a brief explanation. He stated that this real estate problem and lending problem is affecting North Ridgeville and its tax base.

President Arndt: Are there any questions of Mr. Bellamy? We would appreciate it, Mr. Bellamy, if you would leave that information on the table. Thank you, Mr. Bellamy.

AUDIENCE PARTICIPATION (Lobby):

President Arndt: We now come to our Audience Participation, our lobby section of our meeting and any member of our audience tonight are invited and encouraged to speak to your City Council. If you choose to do so, we ask that you come up to the microphone located immediately to the right of Mrs. Buescher. Before you do come forward, please fill out the lobby form that you can find in the back of the room, so that if should we have a need to follow up with any personal contact, we will have that opportunity to do so. When you come forward, please clearly state your name and your address. The Lobby is now open.

 moved by Arndt, seconded by Buescher to suspend our By-Laws so that we can move into Executive Session for the purpose of discussing property acquisition

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

Council recessed into Executive Session to discuss the acquisition of properties at 8:08 P.M.
Council resumed from Executive Session at 8:33 P.M.

President Arndt: The Chair calls the Council meeting back to order. We will now move to our

Ordinances and Resolutions. Dr. Norris, if you will begin with T 132 our ordinances and resolutions submittals.

RECESS: dispensed with

ORDINANCES AND RESOLUTIONS:

• **Ordinances & Resolutions Submittals**

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

T 132-2006 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.

T 133-2006 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO CONTRACT FOR THE SALE OF REAL PROPERTY LOCATED AT 7459 RACE ROAD, NORTH RIDGEVILLE, OHIO.

 moved by Arndt, seconded by Olesen to suspend our By-Laws tonight to give T 133 its first reading

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

 Yes, 6 No, 0

Clerk of Council Norris: Motion is approved.

T 134-2006 A RESOLUTION AUTHORIZING AN APPEAL TO THE STATE OF OHIO BOARD OF TAX APPEALS BY THE CHIEF FISCAL OFFICER OF THE CITY OF NORTH RIDGEVILLE, OHIO, FROM THE ACTION BY THE LORAIN COUNTY BUDGET COMMISSION APPORTIONING LOCAL GOVERNMENT FUNDS AND REVENUE ASSISTANCE FUNDS TO SUBDIVISIONS IN LORAIN COUNTY FOR THE 2007 YEAR IN ACCORDANCE WITH THE IMPROPER ALTERNATIVE FORMULA AGREEMENT ENTERED INTO IN 2003, IN ORDER TO PROTECT THE CITY'S RIGHTS AND INTERESTS IN AND TO ITS ALLOCATION OF SUCH FUNDS UNDER CHAPTER 5747 OF THE OHIO REVISED CODE.

 moved by Boose, seconded by Olesen to suspend our By-Laws tonight to give T 134 its first reading

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

 Yes, 6 No, 0

Clerk of Council Norris: Motion is approved.

President Arndt: That concludes our ordinances and resolution submittals. Dr. Norris, if you begin with our first readings.

• **First Readings**

T 125-2006 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4312-2006 RIDGEVILLE, OHIO, TO RETAIN THE LAW FIRM OF BAUMGARTNER &
 O'TOOLE, CO. L.P.A., NOT TO EXCEED \$40,000.00.

First Reading

 moved by Mayor Gillock, seconded by Buescher to dispense with the second and
 third readings tonight on T 125

President Arndt: Is there any discussion?

Mayor Gillock: Mr. President, I would just like to add that all of our contracts with our unions
expire this year. We have begun negotiations with them and this is to pay the law firm that
handles them. This is for the same amount we paid three years ago with the same firm. We
would like to ask for the passage of this ordinance this evening. However, we don't need the
emergency.

President Arndt: 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 Mayor Gillock, seconded by Olesen to adopt T 125 tonight

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 125 is adopted and becomes permanent ordinance 4312-2006.

 Permanent Ordinance No. 4312-2006

T 126-2006 AN ORDINANCE ACCEPTING 778 SQUARE FEET OF PERMANENT
 PARCEL NO. 07-00-014-105-020 ON THE NORTH SIDE OF LORAIN ROAD
 AND DEDICATING IT FOR PUBLIC PURPOSES.

First Reading

T 127-2006 AN ORDINANCE AMENDING NRCO SECTION 286.03 REIMBURSEMENT
 OF TRAVEL-RELATED EXPENSES BY OMITTING SUBSECTION
 286.03(e).

First Reading

T 128-2006 AN ORDINANCE REPEALING 4255-2006 AND CREATING CHAPTER 1056,
 CONSTRUCTION SITE SOIL EROSION, SEDIMENT, STORM WATER
 RUNOFF AND STORM WATER QUALITY CONTROLS AND
 REGULATIONS.

First Reading

T 129-2006 AN ORDINANCE AMENDING CHAPTER 1474 STORM DRAINAGE
 REGULATIONS AND AMENDING ORDINANCE NO. 4256-2006.

First Reading

T 135-2006 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE 4233-2006,
4313-2006 4253-2006 AND 4260-2006 FOR THE CITY OF NORTH RIDGEVILLE OHIO
FOR THE PERIOD COMMENCING JANUARY 1, 2006 AND ENDING
DECEMBER 31, 2006.

First Reading

moved by Boose, seconded by Olesen to dispense with the second and third
readings tonight on T 135

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 Buescher to adopt tonight T 135

moved by Boose, seconded by Olesen to add the emergency tonight to T 135 in
order that we have legislation in place to pay off the BANs in a timely manner

President Arndt: 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.
Buescher to adopt tonight T 135 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 135 is adopted with the emergency and becomes permanent ordinance
4313-2006.

Permanent Ordinance No. 4313-2006

T 136-2006 AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE
AUDITOR AND REPEALING ORDINANCES 3549-2000 AND 4207-2005.

Law Director Crites: Mr. President, if I could. There is a minor technical point of order that I ask
Council to clear up as it relates to this ordinance. I apologize that I didn't mention this when you
moved to suspend the By-Laws. I realize that this ordinance came to us on the same evening as
the Finance Report did, which is contrary to what Section 15 of your By-Laws state. Simply,
before you go to move and pass to suspend the readings, I would recommend that you first,
please, put forth a motion to suspend section 15 of the By-Laws to allow this ordinance be
submitted tonight along with the Committee Report.

moved by Mayor Gillock, seconded by Buescher to suspend section 15 of the By-
Laws to allow T 136 to be entered on the agenda this evening as the same night as
the Finance Report

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

Yes, 6 No, 0

President Arndt: Dr. Norris, please reread T 136-2006 based on the motion made to suspend the
By-Laws.

T 136-2006 AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE
4314-2006 AUDITOR AND REPEALING ORDINANCES 3549-2000 AND 4207-2005.

First Reading

moved by Arndt, seconded by Boose 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 Olesen to adopt tonight 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

Clerk of Council Norris: T 136 is adopted and becomes permanent ordinance 4314-2006.
Permanent Ordinance No. 4314-2006

T 133-2006 ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER
4315-2006 INTO CONTRACT FOR THE SALE OF REAL PROPERTY LOCATED AT
7459 RACE ROAD, NORTH RIDGEVILLE, OHIO.

First Reading

moved by Mayor Gillock, seconded by Boose 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, 6 No, 0

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

President Arndt: Is there any discussion?

moved by Mayor Gillock, seconded by Olesen to add the emergency tonight to T 133

President Arndt: Is there any discussion? Mr. Mayor what is the purpose for the emergency tonight on T 133.

Mayor Gillock: Mr. President, just a little background. This is the house we purchased as part of the sewer project on Race Road. We would like to dispose of this property now and we would like to get this accomplished before Winter comes. This is the reason for the emergency. We would like to contract with a Real Estate firm and get this moving as soon as we can before Winter comes. So, we don't have to deal with the house again this year.

President Arndt: 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 and a second by Mr. Jaenke to adopt tonight T 133 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 133 is adopted with the emergency and becomes permanent ordinance 4315-2006.

Permanent Ordinance No. 4315-2006

T 134-2006 A RESOLUTION AUTHORIZING AN APPEAL TO THE STATE OF OHIO
1092-2006 BOARD OF TAX APPEALS BY THE CHIEF FISCAL OFFICER OF THE
CITY OF NORTH RIDGEVILLE, OHIO, FROM THE ACTION BY THE
LORAIN COUNTY BUDGET COMMISSION APPORTIONING LOCAL
GOVERNMENT FUNDS AND REVENUE ASSISTANCE FUNDS TO
SUBDIVISIONS IN LORAIN COUNTY FOR THE 2007 YEAR IN
ACCORDANCE WITH THE IMPROPER ALTERNATIVE FORMULA
AGREEMENT ENTERED INTO IN 2003, IN ORDER TO PROTECT THE
CITY'S RIGHTS AND INTERESTS IN AND TO ITS ALLOCATION OF
SUCH FUNDS UNDER CHAPTER 5747 OF THE OHIO REVISED CODE.

First Reading

moved by Boose, 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, 6 No, 0

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

moved by Boose, seconded by Jaenke to add the emergency tonight to T 134 in
order to protect the City's rights and interest and to its allocation of such funds
under Chapter 5747 of the Ohio Revised Code

President Arndt: Any discussion?

Mayor Gillock: Mr. President, if I might just explain this a little bit. Some of you weren't on
Council when this actually began. In 2003, the City of Lorain sued the Lorain County Tax
Commission differing with the allocation formula that was in use at that time. The Lorain
County and the Lorain County Tax Commission entered into an agreement with the City of
Lorain, which changed the formula. We were not a part of that agreement and we feel that we
should be a part of that agreement. It was not favorable to North Ridgeville or Avon Lake or the
City of Elyria or South Amherst Township or the Lorain County Metro Parks. We subsequently
filed suit. We renewed that suit in 2005 and we are doing it again this year. That law suit is still
open. It will be going back to the State Tax Commissioner for resolution. This is a continuation
of that disagreement over the implementation of the revised allocation formula of these funds.

President Arndt: Thank you, Mr. Mayor. 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 and a second by Mr.
Jaenke to adopt tonight T 135 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 134 is adopted with the emergency and becomes permanent resolution
1092-2006.

Permanent Resolution No. 1092-2006

President Arndt: That concludes all of our first readings. Dr. Norris, if you will begin our second

readings with T 63.

• **Second Readings**

T 63-2006 AN ORDINANCE AMENDING NRCO SECTION 242.09
REVISED UPDATING BILLING RATES AND ESTABLISHING PAYMENT BY
 INDIVIDUALS COVERED BY EITHER PUBLIC OR PRIVATE
 INSURANCE.
 Second Reading

T 83-2006 AN ORDINANCE AUTHORIZING A TAX COLLECTION
REVISED AGENCY PURSUANT TO O.R.C. SECTION 718.01 FOR THE CITY OF
4316-2006 NORTH RIDGEVILLE AND ESTABLISHING THE FEES THEREFOR.
 Second Reading

Auditor Costin: Mr. Chairman, I would request that Council consider passing this tonight. There is really no reason to wait. What this ordinance deals with basically, is that in those cases where we cannot collect taxes after reasonable efforts by our tax department and through the Mayor's Court, we have to send it out for collection to a collection agency, consistent with other communities. What this ordinance does is that it also passes the collection fees to that delinquent tax payer. That is all that this is really doing here.

 moved by Olesen, seconded by Buescher to dispense with the third readings
 tonight on T 83-2006 Revised

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

 Yes, 6 No, 0

 moved by Buescher, seconded by Jaenke to adopt tonight T 83-2006 Revised

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 83-2006 Revised is adopted and becomes permanent ordinance 4316-2006.

 Permanent Ordinance No. 4316-2006

President Arndt: That concludes our second readings and Dr. Norris, if you will help me with the third readings by reading T 93.

• **Third Readings**

T 93-2006 A RESOLUTION ADOPTING THE AVON BELDEN ROAD MASTER
1093-2006 SANITARY SEWER PLAN.
 Third Reading

 moved by Olesen, seconded by Buescher to adopt tonight T 93-2006

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

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

Clerk of Council Norris: T 93-2006 is adopted by a vote of five, zero and one abstention and becomes permanent resolution 1093-2006.

Permanent Resolution No. 1093-2006

President Arndt: Thank you and that concludes our third readings. Now, if we can move onto the one piece under old business.

OLD BUSINESS:

T 86-2006 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
4317-2006 AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A
MANNER PRESCRIBED BY LAW FOR THE INSTALLATION OF A
TRAFFIC SIGNAL AT THE LORAIN ROAD AND BAGLEY ROAD
INTERSECTION AND OTHER APPURTENANCES, AND TO NEGOTIATE
AND ENTER INTO A CONTRACT WITH A CONSULTING ENGINEERING
FIRM FOR PLANS, SPECIFICATIONS, AND CONSTRUCTION PHASE
SERVICES FOR SAME, NOT TO EXCEED \$130,000.00.

moved by Olesen, seconded by Buescher to adopt T 86 tonight.

President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, I think it would be wise to add the emergency to this particular ordinance. A traffic light at the corner of Bagley and Lorain is really critical. At seven o'clock this morning I witnessed a near accident again. Also, I understand that our engineer is waiting patiently for this ordinance in order to start working with the engineering firm in getting this project underway as soon as possible.

moved by Jaenke, seconded by Olesen to add the emergency tonight to T 86 due to the funding being available and the engineer is ready to go with this project

Engineer Griffith: Yes, we have a proposal.

President Arndt: Mr. Mayor did you have a comment?

Mayor Gillock: Yes, as we mentioned during the last two to three meetings, we have negotiated with two developers on Bagley Road, Oster and Alan Ritchie to contribute toward the cost of this light and we have received and deposited those checks. Oster Construction contributed over 31,000 dollars and Alan Ritchie contributed 50,000 dollars toward the cost of this light. We now have that money and we can now move forward with this project.

President Arndt: Is there any other discussion?

Council Member Boose: Mr. President, I have a question for the Mayor. Does that mean that the 130 will be less the 81 that they paid when this is all said and done?

Mayor Gillock: Correct.

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: Additionally, we have a motion on the floor by Mr. Olesen and a second by Mrs. Buescher to adopt tonight T 86 with the emergency. Is there any discussion?

Council Member Boose: Mr. President, I would just like to commend the Mayor, the

Administration and the two developers who worked out this proposal to help pay for the light, which is well needed in that area. I think that this will solve a lot of issues that have been there and I wanted to commend them for working that out. That is working outside the box to say the least.

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: T 86-2006 is adopted with the emergency and becomes permanent ordinance 4317-2006.

Permanent Ordinance No. 4317-2006

President Arndt: Dr. Norris, will you please read our upcoming meeting announcements.

UPCOMING MEETING ANNOUNCEMENTS:

Next Regular Council Meeting Monday, October 2, 2006 at 7:30 P.M. in Council Chambers

Mayor Gillock: Mr. President, I would just like to remind you and the Clerk that we need to get T 134 signed before you leave.

ADJOURN:

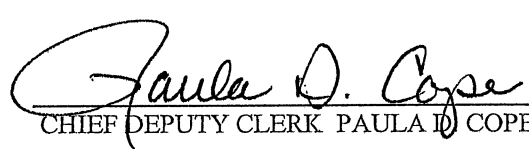
moved by Jaenke to adjourn

Meeting adjourned at 9:02 P.M.

MOTION _____ Jaenke _____ 2ND _____ Manning _____ DATE _____ October 2, 2006 _____

YES _____ 6 _____ NO _____ 0 _____ ABSTAIN _____ 1 - Butkowski _____


PRESIDENT OF COUNCIL DR. RONALD F. ARNDT


CHIEF DEPUTY CLERK PAULA D. COPE, MMC