

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING SEPTEMBER 6, 2005**

CALL TO ORDER: 7:30 P.M.

President Ronald Arndt: The Chair calls to order tonight, the North Ridgeville Municipal City Council regular meeting dated September 6, 2005.

INVOCATION: lead by President Arndt

PLEDGE OF ALLEGIANCE: by all

CALLING OF THE ROLL - ROLL CALL:

Present were Council Members Nancy Buescher, Allen Swindig, Richard Jaenke, Bob Olesen, Bernadine Butkowski, Andy Young and President Ronald Arndt

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

MINUTES - Corrections (if any) and Approval:

Clerk of Council Norris:

Public Hearing Minutes of meeting held July 18, 2005 re: T 79-2005

 moved by Olesen, seconded by Jaenke to approve the Public Hearing minutes of the meeting held on July 18th

President Arndt: Will the Clerk please call the roll.

 Yes, 5 No, 0 Abstain, 2 (Butkowski, Arndt)

Clerk of Council Norris: Motion is approved five, zero, two abstentions.

Public Hearing Minutes of meeting held July 18, 2005 re: T 87-2005

 moved by Buescher, seconded by Jaenke to approve our Public Hearing minutes of the meeting held July 18th

President Arndt: Will the Clerk please call the roll.

 Yes, 5 No, 0 Abstain, 2 (Butkowski, Arndt)

Clerk of Council Norris: Minutes are approved by a vote of five, zero, two abstentions.

Council Minutes of regular meeting held July 18, 2005

 moved by Buescher, seconded by Jaenke to approve Council Minutes of the regular meeting held July 18th

President Arndt: Will the Clerk please call the roll.

 Yes, 5 No, 0 Abstain, 2 (Butkowski, Arndt)

Clerk of Council Norris: The regular Minutes of the July 18th meeting 2005, are approved by a vote of five, zero, two abstentions.

Council Minutes of special meeting held August 8, 2005 re: T 87-2005

 moved by Olesen, seconded by Jaenke to approve the Council Minutes of our Special

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meeting held August 8, 2005

President Arndt: Will the Clerk please take roll?

Yes, 7 No, 0

Clerk of Council Norris: Minutes are approved by a vote of seven to zero.

Council will also please note that before them are:

Tax Abatement Review Board Minutes of meeting held July 18, 2005;

Board of Zoning and Building appeals Minutes of regular meeting held July 28, 2005;

Civil Service Commission Minutes of regular meetings held July 19 and August 23, 2005;

Planning Commission Minutes of regular meeting held August 9, 2005; and

Parks & Recreation Commission Minutes of regular meeting held July 27, 2005.

President Arndt: If the Chair might take a moment just before the Mayor and Director's reports, I have received from time to time, that people are challenged to hear us speaking here in Council. So, for the benefit of those who might be sitting back further from their mikes, the request by the Chair is that we speak up more clearly or closer, if you will, please.

MAYOR AND DIRECTORS REPORTS:

President Arndt: We now move to the Mayor and Director's reports. The Chair invites the Mayor and Directors of our City Departments to provide Council with an oral report. We would like to begin tonight with our Mayor, Mr. Gillock. Is there any report from your office?

• **Mayor**

Mayor Gillock: Thank you, Mr. President. I would like to welcome Council back from their summer vacation. As you well know, it has been a very busy month since you last met, and we have a full agenda this evening, as well as several items I need to bring to your attention.

First, I would like to discuss the rain event of August 20th, and two subsequent rains that hit the City. On August 20th, a Saturday, around 4:30 in the afternoon, it started raining. Within two hours we received almost six inches of rain. The old record of 5.75 inches occurred over a several hour period. Our storm water system was, simply put, overwhelmed. Flooding occurred where it had never happened before. As Tom Kelly from the County Emergency Management Agency put it, there probably isn't a storm water management system in the country that could have handled this deluge.

Superintendent Chris Rangus and I were out early assessing the situation, as was Safety-Service Director Johnson and called in additional personnel. We requested six additional auxiliary police, and fifteen service department employees were called in to help barricade flooded streets, rescue stranded drivers and do what they could to help keep the water moving.

Fortunately for the City, but of no satisfaction to the hundreds that flooded, as soon as the rain quit the water subsided very quickly. I think conservatively, we had over 1,200 homes flooded, an unprecedented number of homes that received some level of storm water in their basements or

split levels. That evening, our police department that receives about one hundred phone calls during a normal shift, received over eight hundred calls. In addition, many calls were received by the Fire Department, the Service Garage, the Safety Service Director and myself.

Unfortunately, some residents received back up of sewage into their homes. This is unacceptable and should not happen. However, due to a number of factors, which we were working on before the rain and will continue to work on, it does occur. In fact, our French Creek Sanitary Sewer Plant on an average day processes between six and seven million gallons of flow. On August 20th, the plant peaked at twenty-seven million gallons during that twenty-four hour period.

Most of the problems occurred in Ward 2, which is the densest and older part of the City. Most of the new development is on the western portion of the City and is connected to the new 36 inch westerly sewer. We had very few problems west of 83, with the exception of the Aurensen, Behm and Noll area, which is hooked into the Becker Lift Station and flows into the same area.

The areas that were mostly affected all flow into a 42 inch interceptor that also serves Sheffield and Avon when it leaves here. The Mills Creek also flooded on its way to the same area.

Last week, employees from my office, the Service Garage, French Creek, Building and Engineering Departments and others met to discuss what happened, why and what further we could do about it. Here are a few of the action items that were developed from that meeting.

1. Our Engineering Department will work to retain an engineering firm to help us evaluate and develop workable solutions to address the flooding issues in the Ward 2 area primarily. This will include inspecting the 42 inch line through Sheffield and Avon for leaks, illegal taps, and so forth, breaking the affected area into smaller areas and installing flow totes to try and identify the worst areas, and advise us as to what steps need to be taken in the laterals to lessen the amount of infiltration.
2. We will continue to perform smoke testing in the areas that flow into the Schneider and Luanne lift stations.
3. We will present, to Council, an ordinance that sets a minimum size connection to our interceptors and require that a meter be installed, so that in the future we will be better able to analyze where our problems might be.
4. The FCWWTP will work with the EPA to develop a second outfall, or blended outfall, to provide relief to the plant during events such as this.
5. In the Aurensen, Behm and Noll area, we will camera the sanitary and storm lines, and prepare estimates for replacement of the old sanitary sewer lines. I want to point out that this is an area we were already working in. In addition, we discovered debris in one of the two pumps at the Becker Lift station after the rain. This debris prevented that pump from working, so the station was only running at 50 percent of its capacity. That wet well is inspected twice a week. We think the debris came from the current sewer construction work being done on Center Ridge Road and we will be following up with that contractor in that respect.
6. I have asked the Engineering Department to develop a fact sheet to give residents some ideas

as to what they can do individually to help prevent flooding. For example, after a long summer of no rain, the ditches were full of grass clippings, branches and other debris that often blocked culverts causing the water to flood yards and get into homes. And in some cases, smaller sump pumps could just not keep up.

7. We will continue to look at the streams and ditches after the water leave's North Ridgeville. If the water is backed up in Avon, then ours has no where to go. Avon recently added a huge detention pond North of Mills Road, but we must make sure they are doing every thing they can to keep the water moving.

8. With Council's support, we would like to use the surface drainage fund to employ one full time person to be assigned solely to work in issues involving our storm water management. We have more than enough work to keep that person busy.

9. We will be inspecting our main manholes and grouting where necessary.

10. In recognition of some of the above concerns, even before the rain we have already ordered a camera that will help us inspect the interceptors. We will be setting the 42 inch interceptor in North Ridgeville and the major lines leading to it as a priority. Often times, in the major interceptors; between the joints, when they get older, they'll separate and you'll get rain water in our sanitary system and that is a huge problem.

11. We would like to put together a schedule of the privately owned detention ponds in the City, and make sure they are properly maintained.

12. We will place renewed emphasis on a five year plan of ditch cleaning. We have a plan that all our ditches should be cleaned every five years. I think we may have been lacks in some areas. We still have paid a lot of attention to that, but we will move it up as a priority.

Although in most cases our system was overwhelmed and there was little we could do on an immediate basis, I want Council and the citizens to know we do not take this lightly, even though it was a once-in-a-lifetime record event. While we were already trying to address some of these issues, that record rainfall gives these concerns certainly a new level of urgency and priority and all of us, will be doing what we can to lessen the impact of future record rain events.

I had asked that Tom Kelly, the representative from the Lorain County Emergency Management Agency be here to explain what it takes to get State or Federal aid. He may still show up. However, he was speaking at the Elyria Council Meeting at 7:00 P.M. If he makes it, I will catch him as he comes in the door. There they are right there in fact. This is Tom Kelly and his representative Alice from the Lorain County Emergency Management Agency. If Council would allow, I ask that Tom to briefly explain what it takes to qualify for State or Federal Aide.

President Arndt: Mr. Kelly if you would approach the microphone if you would please.

Tom Kelly: Good evening. I want to refer to a memo that I sent out to the Mayors and Township Trustees on August 23rd that lists what we have to do to be able to get federal assistance for flood events. This is the criteria that the State of Ohio follows. Number one, we will start the uphill battle right away when they do not consider storm or sewer water back up as flooding. There are four damage categories that they consider during a flood event. An unaffected home is

without a basement that has less than one foot of water on the first floor or a home with a basement, less than one foot of water in the basement and no structural damage. Minor, is a home without a basement, one to two feet of water on the first floor or a home with a basement, one to eight feet of water in the basement. Major damage is a home without a basement, two to four feet of water on the first floor or a home with a basement over eight feet of water in the basement with partial collapse of walls. Destroyed is a home with no basement with over four feet of water on the first floor or a home with a basement; the basement must be full of water and over two foot of water on the first floor. Where the problem comes in, as I mentioned the major and destroyed category, is that you have to have at least twenty-five homes that have major or destroyed criteria damage before FEMA will even look at us for disaster reimbursement. In the July 16th flood event in Lorain, there were 227 homes reported flooding and only one met that criteria. In the last event, there were 1,000 homes between North Ridgeville, Avon, Sheffield Village and Elyria and not one of those met that criteria. So, you can see, we are up against the wall. They are also talking about, in the next year or so, tightening up that criteria even more so it will be even tougher to get any type of disaster relief.

Mayor Gillock: Mr. Kelly, just one question. Someone mentioned to me that if you did qualify and applied for aide and received it, subsequently, that location would be included in the flood zone or in the flood plain. Is that true?

Mr. Kelly: That I had not heard. But, I do know that if you do get FEMA assistance in a flood event for disaster relief, from then on you do have to have flood insurance or continue to get flood insurance, because FEMA considers that as a one time reimbursement and does not want to have to do that again and again.

President Arndt: Thank you, Mr. Kelly. Does anyone on Council have a question of Mr. Kelly?

Mr. Kelly: I will leave copies of the letter that was sent.

Mayor Gillock: Thank you, Mr. Kelly. Moving on, I would like to address several other items on the agenda this evening.

You will find on your desk an ordinance requesting support for Issue Two projects.

 moved by Mayor Gillock, seconded by Young to suspend the By-Laws to add T 113
 tonight under new business

President Arndt: Is there any discussion?

Mayor Gillock: This is our annual request that we put in for our Issue Two funding. It's in round twenty, which is the last round until they hopefully renew the program this fall. The deadline is Friday, so we would ask that this be passed with the emergency if we could. 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, 7 No, 0

Mayor Gillock: Thank you and the Issue Two funding is through the Ohio Public Works Commission. You will find also in your packet, T 110 is an ordinance, also involving Issue Two funds, that approves our portion of the funds to replace an old bridge on Mills Road east of Lear Nagle. North Ridgeville, Avon and Lorain County will each contribute 25,000 dollars for a total of 75,000 dollars to make up 20 percent of the cost of the replacement. We will obtain 300,000

dollars from Issue 2 funds for the other 80 percent.

T 111 is a Depository Contract requirement that comes up every five years. Our Treasurer, Tony Hatmaker has asked that this be passed this evening, emergency is not needed. There will be forthcoming another resolution designating certain institutions as Public Depositories for the next five years.

I would like to advise you the Senior Center newly renovated kitchen is now open and back in use. This was funded through a Community Development Block Grant. The Center prepares over 15,000 meals on wheels a year, and the new kitchen will really help support this effort.

Speaking of grants, we received two new grants in the last month. First, we were again awarded a Community Housing Improvement Program Grant or CHIP Grant in the amount of 500,000 dollars. This is our fourth CHIP grant. These funds are available for Home Rehabilitation, Emergency Home Repair and First-Time Home Buyer Assistance targeting low and moderate income residents of North Ridgeville. There will be a Public Meeting on Tuesday, October 4th at 5:30 P.M. in Council Chambers to explain the program and make applications available to the public. If you are interested please attend and the grants do go fast.

We also received a 35,000 dollar grant for the Healthy Ohioan Youth Pilot Project through our Parks and Recreation Department. This is an after school project in conjunction with the schools. Melissa Williams from Parks and Recreation has more information, if needed.

That concludes my report for this evening. Thank you.

President Arndt: Thank you, Mr. Mayor. I do have a question in reference to T 110 that you alluded to earlier. Is it my understanding that it is your request to have that adopted tonight with the emergency?

Mayor Gillock: Yes, please.

President Arndt: And T 111 adopted, but not with the emergency?

Mayor Gillock: Yes, it does need the emergency.

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

• **Safety-Service Director**

Safety-Service Director Johnson: Thank you, Mr. President. As Mayor Gillock pointed out, the City has been working on the drainage issues and infiltration issues on our sanitary sewers for some time under the direction of Superintendent Chris Rangus. We have done smoke testing and other things, but I have to tell you, that after the Mayor, myself, Chris and others from the City rode around the day after that storm and watching the people putting their belongings out on the curb, that renewed the effort. I'm not saying that we weren't working hard at it before. It gives a goal that we have to work towards and we can't let this happen again. I am committed and I am

sure that Chris is committed to do what we have to do to keep that from happening again. There are things like a beaver dam, on West Point, in a detention basin that was removed in the past. There are things that we have been doing, but looking back, it breaks my heart to see all the people's belongings out there after all the work we did. We thought we had a good running system. However, with six inches of rain in two hours, it just couldn't take it.

Also, T 107 on the agenda tonight for waste pumps for French Creek, I would like to get that passed tonight if we could. This will help maintain the integrity of the French Creek Plant, which has taken several overflow conditions lately.

Ordinance T 109, if Council chooses to pass, that would allow us to sell our obsolete equipment on eBay or other internet auctions. Currently, these items are only sold at Police auctions. People that come to these auctions expecting to buy a bicycle or an old Police vehicle, are buying up computers and getting a pretty good deal. We can get a better deal, I believe, on eBay. Also, we are filling up our storage areas. We have to hold this equipment for up to a year in storage for the Police auction and there is quite a bit of equipment. By passing this ordinance, it would allow us to operate better and obtain a few more dollars to spend on other items.

Thank you, that completes my report.

President Arndt: Thank you, Mr. Johnson.

Council Member Butkowski: Mr. President, before you move on, I'd like to ask a question. Mr. Johnson, you are talking about smoke tests. There were smoke tests done down in the Aurensen area and found that people were illegally connected to the sanitary sewer. There was flooding down there and people did have sewage in their houses. Then I find out, after it is all over, somebody was saying, "Oh yeah, they told me to disconnect" and nothing has been followed up with it. This person contributed very well to the flooding of his neighbors sewage in their house. I would like to be sure, if you're going to take the time and the money to do the smoke tests, that follow ups are done and they're given a specific time to get that corrected. Because they are already illegally connected to the sewer and causing property damage to their neighbors.

Safety-Service Director Johnson: To my knowledge, there were no illegal connections down there. There were open connections and one of them was fixed on site while we were there. To my knowledge, I don't know if the rest of them have been fixed yet, but we do know where they are at and we will insist that the connections be sealed.

Council Member Butkowski: I'll give you the specific address, because this person was bragging about it.

Safety-Service Director Johnson: I would appreciate that.

President Arndt: Mr. Johnson, a question about the two requests that you had. Ordinance T 107, you are making a request tonight that it be adopted, with or without the emergency?

Safety-Service Director Johnson: Yes, with the emergency, if it is Council's wish.

President Arndt: What about T 109?

Safety-Service Director Johnson: T 109, the sooner the better. For the public's knowledge, the user ID that we will be using when we do get around to selling on eBay, is northridgevillecity with no spaces.

Mayor Gillock: Mr. President, since, we are talking about T 109, I was going to wait until it came up, but I'll mention it now. We will have an amendment to some wording in that the first paragraph, it states that owned items by Internet auction using eBay, we want to amend that to word it as it states in section seven, which says, via eBay (or other similar bidding site as long as notice is given). This language was put together by the Law Department and it very much attracts the Ohio Revised Code. It is very specific in what you must do and what you put in this ordinance. You have to give notice of what site you are using. This is why we need to make this one correction. Just in case, eBay changes their name or we find another site, we would be able to do that. In fact, I will make that motion at that time. I just want to make you aware of this amendment.

President Arndt: Thank you, Mr. Mayor. We now move onto our oral report from our Engineer, Mr. Griffith.

• **Engineer**

Engineer Griffith: Thank you, Mr. President. In recent weeks it has become evident that many people are not aware that North Ridgeville has two sewer systems, one being the sanitary system and the other the storm sewer system. The sanitary sewer system is meant to drain all flows from inside the house, the bathroom, kitchen, basement floor drain and the garage floor drain. The EPA calls that, dirty water flow. The storm sewer system is to drain all rain water or ground water flow. This would include the sump pump that drains the basement footer tiles. The EPA calls this clear water flow.

For a single family home, the sanitary sewer is design to handle 400 gallons of flow per day. In North Ridgeville, this results in a sewer main diameter size of 8 inches to 36 inches with 8 inches being the most common. Overall, the sanitary sewer system has a much smaller capacity than the storm sewer system. North Ridgeville has 94 miles of sanitary sewers.

The storm sewer system is based on a design storm as established by the US Weather Bureau. Section 1474.07 of the North Ridgeville Codified Ordinances requires storm sewers to be designed for a five year storm, open ditched for a ten year storm, culverts for a fifty year storm and detention basins for a fifty year storm. This design criteria is consistent with other communities in northern Ohio. Storm sewer diameter sizes in North Ridgeville range from eight inches to 60 inches with the most common size being 12 inches. North Ridgeville has 74 miles of storm sewers.

Several conclusions can be drawn from the above information and other information we have:

1. The storm that hit North Ridgeville, Elyria, North Olmsted and other communities on Saturday, August 20th was in excess of a 100 year storm. There is no storm sewer in Northern Ohio designed to handle the flow from that storm.

2. It was reported that some homeowners pulled the manhole covers off sanitary manholes to allow flooded streets to drain, thus allowing clean water into a smaller diameter sanitary sewer system. This was water the sanitary sewer system was not designed to handle and resulted in the sanitary sewer backing up into basements through the floor drains.
3. Likewise, as sump pump pits overflowed with clean water into basements, that water drained into the basement floor drains. This also caused the sanitary sewer system to overloading resulting in sanitary sewer backing up into basements.
4. Since open ditches are designed to handle more clean water than sewer pipe, every time a ditch is enclosed in a pipe, the flow is being slightly restricted.
5. There are many reasons why sewer pipes over flow. In addition to those mentioned above;
 - a. There can be sewer blockages either from broken pipe or materials that should not be there that found its way into the sewer.
 - b. Since the smaller sanitary sewer pipes are lower in elevation, deeper into the ground than the storm sewers, if the sanitary sewer is not tight, is leaking at joints, it can fill with storm water and cause the sanitary sewer to back up.

I could go on, but since this is a Council meeting, not a class in sewer design, that concludes my report for this evening. Thank you, Mr. President.

President Arndt: Thank you, Mr. Griffith. We now refer to our Auditor, Mr. Costin for his report.

• **Auditor**

Auditor Costin: Thank you, Mr. Chairman. The only thing I have on the agenda tonight is the written report for the month of July, which you should have received and request your approval.

Auditor's Written Financial Report for July 2005

 moved by Swindig, seconded by Buescher to approve the Auditor's Written Financial Report for July 2005

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

 Yes, 7 No, 0

• **Other Reports**

President Arndt: Dr. Norris, if you'll read our other reports.

Clerk of Council Norris: Other reports before Council this evening include:
Water System Operation Reports for June and July 2005;
Police Department Activity Report for June 2005;
Mayor's Court Operating Trust Fund/Bail Trust Fund Report for July 2005;
Fire Department Report for July 2005; and
Building Department Reports for June and July 2005;

Also, before Council this evening is the Planning Commission Report to Council of the regular meeting held August 9, 2005. The applications include:

APPLICANT:	Kim Wallace, Designer Doggie, 36015 Chestnut Ridge Road
OWNER:	Same
REQUEST:	Approval for conditional use to allow the operation of a dog kennel on a corner lot within a B-3 District
LOCATION:	36015 Chestnut Ridge Road in a B-3 District Permanent Parcel Nos. 07-00-025-104-010 and -011
PC ACTION:	Denied the application by a vote of five to zero with condition to preserve the applicant's right to be heard at the next regular meeting

moved by Arndt, seconded by Butkowski to postpone any action on this particular applicant

President Arndt: Is there any discussion?

Council Member Butkowski: Mr. Chairman, maybe we should direct some correspondence to the Planning Commission that if they have not, according to this, they don't have a definitive decision to allow them to come back again. We should request that before something is sent to us that we know their final decision on this. We can't vote on something like this.

Council Member Young: Mr. President. I think we should vote on this tonight. I think the Planning Commission's action is pretty clear. They denied the application. They have just given the people the opportunity to be heard at the next meeting. It doesn't mean that they can necessarily approve or deny anything. I think the Planning Commission's actions are clear. This has been denied and I think we should approve that denial. In addition, I have heard complaints from residents about this particular facility. Specifically, the admission of obnoxious smells from the back of the facility from some of the grooming of the dogs that go on. I am not exactly certain, but I have received complaints from constituents about that and I have received complaints from constituents that don't want this to go through as a dog kennel. In addition to the smell, the last thing they want is a bunch of noise too.

Council Member Buescher: Mr. President, I think that I agree with your suggestion to move to postpone because the owner of the property wasn't there that evening and I don't think this should have been submitted to us until they have decided what they are going to do. I think by postponing this action, we are sending it back to them without denying to their decision or agreeing to their denial.

President Arndt: The chair would defer to our legal counsel. Is there any feelings or direction that you might provide?

Law Director Crites: Well, I've got to apologize because I am at a loss having not attended this Planning Commission meeting and not having had this issue brought to my attention until you did about fifteen minutes ago, before the meeting started. I will credit Councilman Young as you do make a good point. I would agree with you that legally, what we have before here is a denial, but if you did vote tonight, it would, in my opinion legally uphold that denial and the applicant would have to reapply. It sounds like Councilman Buescher and maybe Councilman Jaenke,

who was there, could shine some more light. It sounds like what they are trying to do here is not deny it and actually postpone it to give them a chance to, obviously, we are going to have to talk to Planning Commission about what they brought to us is, a mess, but that is a side issue.

Council Member Buescher: The Planning Commission did not seem to be in favor, but they did want to postpone because the person who owns the property was not there and my understanding is was that she was mixed up about when the meeting was being held. So, what they are trying to do is give her the opportunity to speak. But, it seems strange to me to accept their denial and then to take it back. But if it is postponed, then it could come back. It probably shouldn't have come here in the first place as Mrs. Butkowski said. They should have just held it there until they had the opportunity to listen to the applicant.

Mayor Gillock: Mr. President. I was at the meeting and the way this actually developed was that the applicant was not there. Planning Commission went ahead and discussed it and voted five to nothing to deny the application. However, the Assistant Law Director, at that time brought up the situation that other times when applicants had not been at a meeting, they had postponed it so that they could appear at the next meeting and made that suggestion then, which the Commission went along with and said well, all right we've turned it down, but we will give them a chance to speak at the next meeting. That is how it developed. It was denied by Planning Commission without a doubt.

Council Member Jaenke: I would like to comment on this as well. There were residents there that were opposed to it for a lot of reasons; the noise, the odors, and the size of the property was not adequate. The neighbors that adjoin this property was opposed to it and our Building Official, Mr. Fursdon also stated that the applicant in terms of side lines and boundaries and so forth, just would not qualify. So, I don't think that there is any question that the Planning Commission felt that should be denied and any future discussions, I feel that Planning Commission would also deny based on the size of the property and the conditions. The Mayor is correct. After we had that discussion, then there was some concern from a legal point of view that we were denying the right of the applicant because the applicant wasn't there to tell their side of the story.

President Arndt: So, in light of the information that I have just heard and the comments by our Law Director, I will withdraw my motion to postpone.

Council Member Butkowski: I will withdraw my second.

 moved by Arndt, seconded by Olesen to approve Planning Commission's action to deny the application

President Arndt: Is there any discussion?

Council Member Buescher: Mr. President. The way the Planning Commission action is worded here, it is with the condition to preserve the applicant's right. Will that remain?

Law Director Crites: It is just the right to be heard. There will be no application before the Planning Commission. They could always reapply.

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

 Yes, 7 No, 0

Clerk of Council Norris: Motion is approved. Also, before Council from the Planning

Commission:

Council Referral:

ORDINANCE T 104-2005 Accepting relocated Lear Nagle Road and dedicating it
for public purposes

PC ACTION: Approved recommendation to accept the dedication of the
relocated Lear Nagle Road by a vote of five to zero
moved by Olesen, seconded by Jaenke to approve the Planning Commission action to
accept the dedication of the relocation of Lear Nagle Road

President Arndt: Is there any discussion?

Mayor Gillock: Mr. President, just a point of information. My Engineer Griffith told me that those poles will probably be pulled by September 9th, this Friday.

President Arndt: When they are pulled, does that mean that we get to drive down the road?

Mayor Gillock: Twenty four hours after they pour the concrete.

Council Member Jaenke: Mr. President, I have a question of the Mayor or the Safety-Service Director. The light that is by Topps, has that now been coordinated with the light that is on the corner of Center Ridge and Lear Nagle. In other words, when you turn left going west, we don't want to be stopped right away, 500 feet up the road.

Mayor Gillock: It is our intention that when we open the road, we are going to make that light west of the intersection a flashing yellow for the time being to see if that works. We agree. We don't want making left turns onto Center Ridge and have to immediately stop. However, that is an entrance and exit and that also will be entrance into Walgreens, so we are going to try the flashing yellow light to see how it works. Larry's background is traffic engineering and it was his suggestion, so we will give that a try.

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

Yes, 7 No, 0

COUNCIL COMMITTEE REPORTS:

President Arndt: Are there any Council Committee Reports? Dr. Norris, if you will read our correspondence, please.

CORRESPONDENCE:

Clerk of Council Norris: Council has seven items of correspondence before it this evening.

- 1) Received a letter from Anthony Principi acknowledging receipt of Council's resolution regarding the Defense Finance and Accounting Service in Cleveland.
- 2) Received a letter from Ruben Barrales, Deputy Assistant to the President and Director of Intergovernmental Affairs, acknowledging receipt of Council's resolution regarding the

2005 Base Realignment and Closure Commission.

- 3) Received a letter from Chestnut Ridge Road home owners, Karen Toich, Boyd Lewis, Roy Cook, John and Betty Day, Kenneth and Christine Hamker, Jonathon and Sue Tipple, Kevin and Traci Burns, David and Marcia Lozano and James and Cheryl Southerland opposing changes on any of their properties or properties owned by Community Health Partners until such time they decide to amend their restrictions.
- 4) Received a memo from Mayor Gillock in response to a request from St. Jude Children's Research Hospital with regard to their Dream Home Giveaway fundraiser. In accordance with Ordinance No. 3119-95, the Mayor is notifying Council of the waiver of the sewer tap-in fee in the amount of \$1,598.86 for the fund raiser.
- 5) Received a letter from Gregory H. Smith, EPA Division of Environmental and Financial Assistance requesting nominations for projects for the Water Pollution Control Loan Fund's Water Resource Restoration Sponsorship Program that wish to be considered for funding during program year 2006.
- 6) Received a letter from Congressman Sherrod Brown announcing the new Quite Zone Rule that took effect June 24, 2005 and submitting information about the new rule along with an explanation of the quite zone creation process published in the Federal Register.
President Arndt: THE CHAIR REFERS THIS TO THE SAFETY COMMITTEE.
- 7) Received a letter from George Kimble in regard to ordinance number 3251-97 eliminating self storage units as a conditional use in a B-2 central business district and explaining conversations relating to the expansion of his storage facility.
President Arndt: THE CHAIR REFERS THIS TO BUILDINGS AND LANDS.

NEW BUSINESS:

President Arndt: We now come to new business this evening. If you will, Dr. Norris?

Clerk of Council Norris:

Petition by Forest City Land Group, Inc., James P. Martynowski, V.P., Planning and Construction, for a change in zoning classification, Planned Community Development and Application for preliminary plan approval of the back portion of 37491 Sugar Ridge Road consisting of approximately 14.77 acres contiguous to Waterbury PCD and to become a part of Waterbury PCD

President Arndt: If you will notice, fellow Council Persons, there are two pieces of legislation that you find in your packet. The first is an ordinance that amends section 1240.01 of our Codified Ordinances. The Chair requests that our Clerk assign a temporary number to this ordinance.

Clerk of Council Norris: The T number is T 114-2005.

Council Member Young: Just point of clarification. What is now T 114?

President Arndt: There is an ordinance and resolution in your packet. In that particular packet related to the petition for change in zoning classification. The first one is an ordinance that I have referred to that amends section 1240.01. You will notice in the large packet that is labeled petition for change in zoning classification, Planned Community Development submitted with regard to the PCD. Any questions? It is now T 114. In addition, there is a resolution that grants preliminary approval for the proposed PCD. The Chair is requesting that the Clerk assign T number to that resolution that is also in that packet.

Clerk of Council Norris: That T number would be T 115-2005.

President Arndt: THE CHAIR THEN REFERS BOTH OF THESE TO BUILDINGS AND LANDS. Already, through the PCD ordinance, the Clerk has submitted both this entire package to the Planning Commission and it is going to be heard on September 13th. Before I go any further, I want to make sure that there is no question or if by chance, I have confused anyone.

Council Member Buescher: Mr. President, I just wanted to make sure that the Valore request will be referred to Buildings and Lands.

President Arndt: Before we go to the Valore parcel, any questions about the Forest City piece? Thank you. Now, if the Clerk will read the next petition.

Clerk of Council Norris: Additionally, under new business, Council has before it:
Petition by Rini Realty and Valore Properties Inc. for a change in zoning classification from R-1 Residence District to B-3 Highway Commercial District for Permanent Parcels No. 07-00-016-112-027 and part of No. 07-00-016-112-045

President Arndt: Also you'll notice in that packet, there is an ordinance that the Chair request a temporary number as well.

Clerk of Council Norris: That temporary number will be T 116-2005.

President Arndt: THE CHAIR REFERS THIS TO BOTH BUILDINGS AND LANDS AND THE PLANNING COMMISSION.

Clerk of Council Norris: Also, under new business this evening is:

T 113-2005 A RESOLUTION OF SUPPORT FOR ISSUE TWO PROJECT PRIORITIES.

 moved by Young, second by Buescher to suspend our By-Laws tonight to give T 113 its' first reading

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

 Yes, 7 No, 0

AUDIENCE PARTICIPATION (Lobby):

President Arndt: We have now reached the audience participation section of our meeting tonight. Any members of our audience tonight are invited to address your Council. We do request that you fill out the lobby form that you can find at the back of the room, because it enables us to contact you personally, should there be a need for any individual follow-up. You

are now invited and welcome to approach the podium immediately to the right of Mrs. Buescher. When you do, please clearly state your name and your address and please limit your comments to three minutes. The lobby is now open.

1) Dottie Zett of 6265 Jaycox Road stated her concerns relating to the recent flooding in North Ridgeville. She explained the damage done to her home and the flooding that has occurred in the past. She expressed her concern and questioned how the City is going to alert people in terms of emergencies due to terrorism and disasters. She suggested to initiate a certain sound for emergency. She also expressed her concerns and suggestions as they relate to the curfew of children.

Council Member Young: Mr. President, this is one of the situations that if you ask then you shall receive. We have T 112 tonight that is a resolution adopting the National Incident Management System, which is sponsored by the Federal Government and both our Fire Chief and Police Chief have brought it to our attention with a request that Council pass it tonight with the emergency and it will set up some parameters in the event of an emergency type situation and everybody will be on board with the County.

Council Member Butkowski: Mr. President, I was just discussing with the Fire Chief today, we do have an emergency evacuation plan that has been in existence for a long time. He also told me that he was going to bring that up this Thursday during the Department Head meeting. We do have an evacuation plan for the City and it is in place at this time.

2) Karen Toich of 36765 Chestnut Ridge Road questioned property at 36721 Chestnut Ridge Road, if it was true that Community Health Partners wants to deed this to the City and then the City in turn, will make it a City street.

Mayor Gillock: We haven't heard Eric discuss anything like that. No.

Karen Toich: I have heard that and I was just wondering what your plan would be for that if that were to happen.

Mayor Gillock: That is not a question I could answer because it never came up.

3) James Miles, 5927 Denise Drive explained that he has owned his home in North Ridgeville for 33 years. He stated that he had two feet of sanitary sewage in his basement that weighed out to be 95 tons. He asked if the City has found a cause and if the cause has been solved. He stated that if we get another storm like this, his basement could be wiped out again.

Engineer Griffith: Based on what the Mayor and I both said this evening, we do not know a specific single item that caused this problem. This is why we are going to be doing detailed studying to find out exactly what it was. My experience in the past has indicated that it is not a single item, it's a multitude of a number of different items that end up causing this catastrophic problem. It is just not one item itself. Yes, if we got a six inch rain again within a little over two hours, then it could absolutely happen again.

Mr. Miles: He knows that there are two different systems as he has a license for precision pressure piping in the state of Ohio. He would like to find out answers.

Council Member Buescher: I was just wondering, what is your address?

Mr. Miles: 5927 Denise Drive.

Safety-Service Director Johnson: Mr. President, years ago, the City use to deal with this problem in a different way. It is simply not allowed anymore. We used to pump out of the sanitary sewer directly into the storm sewer to stop the back up of sanitary sewer. That is simply not allowed in any way shape or form any more. It didn't happen much in the past.

Council Member Young: Mr. President, I sympathize with Mr. Miles as I ended up with a foot of raw sewage in my basement as well. I live north of Drake off of Ridgeview. I have talked with the Engineer, Mayor, and the Safety-Service Director. I have not yet talked with Superintendent Chris Rangus, but I intend to. I am satisfied that they have a plan that they are working on with their camera truck to scope out both the sanitary and the storm water to see where there is an infiltration problem. In addition to that, I would like to make a comment on Safety-Service Director Johnson's comments in that I know there was a lot of raw sewage going through my sump pump into the storm system as well as everyone else who had sewage backups so, I don't know what the difference would be; whether it would be backing up into people's homes and going into the storm system, or the City just going ahead and tapping into the storm system. I would prefer the City to tap in, EPA or not.

Safety-Service Director Johnson: Mr. Chairman, the difference is, is large fines and jail time.

Mayor Gillock: I don't know if Mr. Miles was here earlier when I gave my report. I referred a couple of times to the 42 inch line that runs along Mills Road, which is running full. We know it's running full. Part of what we are going to be doing, is trying to determine why that line is full. It should be able to handle everything from the west side of the City. On the west side, we only have a 36 inch line. There is a 24 inch line that runs from the Marc's area and goes down to your area of Denise and it empties into that line. We want to specifically take a look at that 24 inch line and why it's backing up. Northview Circle and all the condos in there flooded with sewage. The majority of the sewer problems were along that 24 inch line leading to the 42 inch line and that is where the first priority will be. We ordered a camera a few months ago and it will be in within a few weeks. That should help us to do that. We are aware and that area will be looked into.

Mr. Miles: My previous job, I hired contractors to do sewer jetting using sewer cameras and they were fairly inexpensive and they would come out and take a good look at everything.

Mayor Gillock: Being fairly inexpensive is pretty relative. What does this one cost Chris?

Superintendent Chris Rangus: The camera system was 65 thousand dollars.

Mr. Miles: You have the system and do the people know how to use it?

Mayor Gillock: We have also ordered a new vac truck. The current vac truck can't reach some of the sewer depths these are so, we ordered a new truck to help in that area.

Mr. Miles: All of our sewers run to French Creek?

Mayor Gillock: Yes.

Mr. Miles: Is North Ridgeville the only community on French Creek still?

Mayor Gillock: Avon, Sheffield are both on that line. As I mentioned in my report, we will be

inspecting that 42 inch line through Avon and Sheffield also, because that pipe is full. If that pipe is full, we can't put any more stuff in it. We want to know why it is full. One of the other things we will be looking at, is an additional outfall, at French Creek. If they are maxed out, they can't take anymore, it will back up. We will be looking for, what is called a blended outfall at French Creek, which will give us more relief there. Over the last few years, we have added a detention pond behind Westfield, that is huge which has a restrictor plate. We were maintaining it before the storm. Denny mentioned the beaver dam that we took out. We added another huge detention pond behind the U-Store-Its on Center Ridge Road and another detention pond in Mills Creek, right before Mills Road. We have an ordinance now that any new construction over one acre, whether it is residential or commercial, has to have a detention pond. We have paid attention to cleaning the ditches and maybe we could do better. We have looked at that. We have been addressing this all along. Situations have not been bad until you get six inches of rain in two hours and we were overwhelmed. That doesn't speak on the sewage problem as technically, that should never happen. Obviously, as I said earlier, the plant handles five to seven million gallons a day and it hit twenty-seven million gallons on that day. There is some infiltration somewhere and that is what we are looking at.

4) Superintendent Chris Rangus of the Service Department stated that the Mayor hit the nail on the head. We started this program for this equipment months ago. A lot of this was to be able to do stuff in house to save the residents money. We need to now look at doing some outsourcing as well as doing some in house. I think that we have a grasp on what we need to do. My department is only staffed by twenty-nine employees that do very much in the City. It is hard to do everything we want to do. I don't want residents to think that we don't care about them. We try to address everything as evenly as possible as we can, but we only have limited resources and limited funds. I don't want any residents to think that we don't care about them. The night of the storm, Ms. Zett called me. I called Tom Kelly and asked where people could go if they were displaced. I was the one that told Ms. Zett that she could go to the Church of the Open Door if she was displaced if her house was inhabitable. That was not to get her out of the City of North Ridgeville. That was to take care of our residents in our City and give them a place to go that is needed. I don't know of any reason that they would stay in City because we don't have contacts with people in our City to open these places of Haven. The Red Cross was the place that opened up the Church of the Open Door. That is why I mentioned this place to Ms. Zett. We will do the best we can and we will solve these problems. The Mayor, Safety-Service Director Johnson and the Engineer have been proactive in working up a plan. We have already started looking at some of these problems with our new equipment. A lot of these issues have been found to start in residents' own yards. The swales in their ditches need to be cleaned. When we go down as a City and have residents demand that we clean their crossover pipes and we pull out bubbling lawn mowers, garbage cans, and plastic shopping bags that are all stuck up there. The Mayor, Safety-Service Director and I were out until 1:30 in the morning after the 20th. We went out on purpose on the next rain event and we pulled manholes and looked in the manholes in Andy Young's area to see why it was doing it. There is no better time then when we have rain to look at these systems. We did this to make sure that we were out there looking at

these systems and that we just didn't sit behind a desk and say, we'll hire somebody to take a look at it.

Council Member Young: Mr. President, I don't know if anybody has thanked all of the members of the City in handling this as professionally as they have. In addition, I don't think anybody has thanked the BFI workers who are not only an outside contractor we deal with, but also who are residents of our City. They cleaned up everything off our tree lawns and they cleaned up stuff that was huge and they put in long hours. The BFI workers really need to be given credit. I'm glad we have them as our contracted garbage pick up company.

5) Mrs. Lois Sullivan of 5880 Jaycox Road expressed her concerns on the flooding and stated spoke about new developments at Route 83 by Mills Road and Mills Road and Stoney Ridge Road where everything is bulldozed out of there. Explained that in 1970, the Regional Planning Commission laid out plans for that which was suppose to be a low density area and what we have is almost high density with all the building noting that there are no trees or anything. Stated that it would be wise to start leaving trees in the areas or making it necessary to plant trees and not just have houses sitting on a little piece of land.

6) Cheryl Charters of 35310 Wood Street stated that she also experienced some flooding in her basement. Stated that she has her home on the market and is feeling very uncomfortable in selling it because we don't have a big enough sewage system to handle all these new homes that are being built. Explained that this is the second flood they have had in their home. Stated that they the first flood three days after buying the home. Explained that they had a plumber come in to have a back flow valve installed in their basement. The plumber said that they had one, but it was installed backwards and the flapper was missing. When they dug it out, they found that their sink drains were going through the back flow system. Asked when inspectors come out to inspect new homes, why this stuff isn't detected. Asked what she can expect as a home owner with a new home as far as inspections go.

Council Member Young: Mr. President, just a brief question. Who built your home?

Cheryl Charters: August Homes. When we called August Homes, he said he wasn't going to do anything about it. He gave us the name of the plumber. The plumber is B B & L, Dan Leonard. He admitted to me, on the phone, that he was the one that broke my flapper off three days after we moved in there because it wasn't his responsibility to fix that because it wasn't required. It was my property and we paid to have that put in the house, somehow, someway in the price of our home and that he did not stand behind his work. We had to call another plumber in. It cost us 1,200 dollars to have this back flow fixed and done properly.

President Arndt: Mr. Mayor, any direction we can give Mrs. Charter?

Mayor Gillock: I would have to talk to Guy Fursdon as he is our Chief Building Official that oversees all our inspection areas as to how this would be handled.

Cheryl Charters: It seems to be the heating and cooling and the plumbing that we are having

difficulties within our home.

Council Member Olesen: How old is this house?

Cheryl Charters: Four years.

Mayor Gillock: I don't believe that the check valves are required by ordinance. If not, it isn't something that they would inspect because many times check valves cause a big problem as they don't always work.

Cheryl Charters: But if the plumbing is going through the check valve, that has to be inspected. Doesn't all plumbing have to be inspected before the basement is pored? That should have been detected right there and then.

Mayor Gillock: That is why I was suggesting to have you talk to Guy Fursdon, the Chief Building Official. I can give you the contact information if you want.

President Arndt: Who else in our audience would choose to speak before your City Council tonight. Thank you.

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

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

 Yes, 7 No, 0

RECESS: dispensed with

ORDINANCES AND RESOLUTIONS:

President Arndt: We now find our selves at ordinances and resolutions. Dr. Norris if you will read the submittals.

• **Ordinances & Resolution Submittals**

Clerk of Council Norris: Ordinances and Resolutions before Council this evening include:

T 107-2005 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT(S) ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER(S) FOR THE REMOVAL OF TWO OLD WASTE PUMPS AND ALL APPURTENANCES; FOR THE INSTALLATION OF TWO NEW WASTE PUMPS, INCLUDING MODIFICATION AND FABRICATION OF ALL PERTINENT MATERIALS AND EQUIPMENT; AND FOR THE PURCHASE OF ACTUATORS/VALVES, NOT TO EXCEED \$50,000.00.

 moved by Olesen, seconded by Butkowski to suspend our By-Laws to give T 107 its' first reading tonight

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: Motion is approved.

T 108-2005 AN ORDINANCE AMENDING ORDINANCE NO. 4154-2005, APPROVING THE PURCHASE OF 12 SELF-CONTAINED BREATHING APPARATUS, BY INCREASING THE AMOUNT TO \$56,124.00.

moved by Young, seconded by Swindig to suspend By-Laws to give T 108 its' first reading tonight

Council Member Young: May I request the opinion of the Law Director in why we can't just go ahead and suspend the By-Laws to give all the ordinances here tonight their first readings?

Law Director Crites: Acknowledging the smile from Councilman Swindig, at the risk of meeting the wrath of Assistant Clerk of Council Paula Cope, I hesitate to say only that I opine that we could do it.

President Arndt: It's been moved by Mr. Young, seconded by Mr. Swindig to suspend our By-Laws tonight to give T 108 its' first reading. Is there any discussion?

Council Member Buescher: Mr. President, this is a slight difference over the amount that has already been approved and for reasons which the Fire Chief explained to me today, we have to change it and it's only in the amount of four thousand dollars over and above what originally was requested from Council.

Mayor Gillock: Originally Council approved fifty-two thousand dollars and the actual cost for the breathing apparatus is fifty-six thousand, one hundred and twenty-four dollars. It's a small increase. In any rate, we received a grant for at least fifty thousand and this is a self-contained breathing apparatus, which is money well spent.

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

Yes, 7 No, 0

Clerk of Council Norris: Motion approved.

T 109-2005 AN ORDINANCE ESTABLISHING THE PROCEDURES FOR SELLING PERSONAL PROPERTY OWNED BY THE CITY BY INTERNET AUCTION.

moved by Young, seconded by Swindig to suspend By-Laws tonight to give T 109 its' first reading tonight

President Arndt: Is there any discussion?

moved by Mayor Gillock to amend the first Whereas, to the opinion of the Law Director, by adding the same words in Section 7, that state, or other similar bidding site as long as notice is given, to the first Whereas.

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

Yes, 7 No, 0

T 110-2004 AN ORDINANCE AUTHORIZING THE CITY OF NORTH RIDGEVILLE TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE CITY OF AVON AND THE COUNTY OF LORAIN TO REPLACE THE BRIDGE OVER MILLS CREEK LOCATED ON MILLS ROAD JUST EAST OF LEAR NAGLE ROAD,

AND TO SHARE THE COSTS AND EXPENSES THEREFOR.

moved by Olesen seconded by Swindig to give T 110 its' first reading tonight
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 111-2005 A RESOLUTION ESTIMATING AGGREGATE MAXIMUM AMOUNT OF
PUBLIC FUNDS TO BE AWARDED AS ACTIVE DEPOSITS AND INTERIM
DEPOSITS.

moved by Swindig seconded by Butkowski to give T 111 its' first reading tonight
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 112-2005 A RESOLUTION ADOPTING THE NATIONAL INCIDENT MANAGEMENT
SYSTEM (NIMS).

moved by Swindig seconded by Young to give T 112 its' first reading tonight
President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed
by no. Any abstentions?

Yes, 7 No, 0

• **First Readings**

T 30-2005 AN ORDINANCE AMENDING NRCO 1462.04, CELLULAR
REVISED COMMUNICATIONS SYSTEMS, LOCATION/SITING OF FACILITIES.

First Reading

President Arndt: Just as an FYI, this will show on October 3rd as a public hearing. Our next
reading, please.

T 105-2005 AN ORDINANCE VACATING A PORTION OF ROOSEVELT AVENUE
BETWEEN ROSE STREET AND FRANCES STREET.

First Reading

President Arndt: This to will be on our October 3rd public hearing.

T 106-2005 AN ORDINANCE APPROVING THE FINAL PLAT OF BUTTERNUT
GROVE SUBDIVISION, PHASE 2 FOR RECORDING PURPOSES ONLY.

First Reading

T 113-2005 A RESOLUTION OF SUPPORT FOR ISSUE TWO PROJECT PRIORITIES.

1050-2005 First Reading

moved by Swindig, seconded by Butkowski to dispense with the second and third
readings tonight on T 113

President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All

those opposed by no. Any abstentions?

Yes, 7 No, 0

moved by Swindig, seconded by Young to adopt

moved by Swindig, seconded by Young to add the emergency based on our time constraints to T 113

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

Yes, 7 No, 0

President Arndt: Additionally, we have on the floor, a motion by Mr. Swindig and a second by Mr. Young to adopt tonight T 113 with the emergency. Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 113 is adopted with the emergency and becomes permanent resolution 1050-2005.

Permanent Resolution Number 1050-2005

T 107-2005 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
4175-2005 AND ENTER INTO A CONTRACT(S) ACCORDING TO LAW AND IN A
MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST
BIDDER(S) FOR THE REMOVAL OF TWO OLD WASTE PUMPS AND ALL
APPURTENANCES; FOR THE INSTALLATION OF TWO NEW WASTE
PUMPS, INCLUDING MODIFICATION AND FABRICATION OF ALL
PERTINENT MATERIALS AND EQUIPMENT; AND FOR THE PURCHASE
OF ACTUATORS/VALVES, NOT TO EXCEED \$50,000.00.

First Reading

moved by Young, seconded by Swindig to dispense with second and readings tonight on T 107

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

Yes, 7 No, 0

moved by Young, seconded by Swindig to adopt

moved by Young, seconded by Swindig to add the emergency for the health and safety of those residents in our homes

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

Yes, 7 No, 0

President Arndt: Additionally, we have a motion on the floor by Mr. Young, a second by Mr. Swindig to adopt tonight T 107 with the emergency. Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 107 is adopted with the emergency and becomes permanent ordinance 4175-2005.

Permanent Ordinance Number 4175-2005

T 108-2005 AN ORDINANCE AMENDING ORDINANCE NO. 4154-2005, APPROVING
4176-2005 THE PURCHASE OF 12 SELF-CONTAINED BREATHING APPARATUS, BY
INCREASING THE AMOUNT TO \$56,124.00.

First Reading

moved by Young, seconded by Swindig to dispense with second and readings
tonight on T 108

President Arndt: Is there any discussion?

Council Member Swindig: Mr. Chairman, I think talking to the Fire Chief, he says that we are
getting ninety cents for each ten cents on this ordinance.

President Arndt: Thank you for bringing that to our attention. Any further discussion? There
being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

moved by Young, seconded by Swindig to adopt

moved by Young, seconded by Swindig to add the emergency to T 108 for the
protection of our FireFighters

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

Yes, 7 No, 0

President Arndt: Additionally, we have a motion on the floor by Mr. Young, a second by Mr.
Swindig to adopt tonight T 108 with the emergency. Is there any discussion? There being none,
all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 108 is adopted with the emergency and becomes permanent ordinance
4176-2005.

Permanent Ordinance Number 4176-2005

T 109-2005 AN ORDINANCE ESTABLISHING THE PROCEDURES FOR SELLING
4177-2005 PERSONAL PROPERTY OWNED BY THE CITY BY INTERNET AUCTION.

First Reading

moved by Young, seconded by Butkowski to dispense with second and readings
tonight on T 109

President Arndt: Is there any discussion?

Council Member Olesen: Mr. President, did we work the amendment into this yet?

President Arndt: A motion to amend was made by Mr. Gillock and seconded by Mr. Young. Mr.
Mayor, just for clarification purposes, would you refresh us so that we know exactly what that
motion was and how you want that to read.

Mayor Gillock: In the first Whereas; after the words using eBay, add the language found in the
similar wording in section seven, or other similar bidding site as long as notice is given.

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

Yes, 7 No, 0

President Arndt: In addition, we have a motion on the floor by Mr. Young, a second by Mrs. Butkowski, to dispense with the second and third readings tonight on T 109 as amended. Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

 moved by Young, seconded by Swindig to adopt tonight T 109 as amended

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

Yes, 7 No, 0

Clerk of Council Norris: T 109 is adopted as amended and becomes permanent ordinance 4177-2005.

 Permanent Ordinance Number 4177-2005

T 110-2004 AN ORDINANCE AUTHORIZING THE CITY OF NORTH RIDGEVILLE TO
4178-2005 ENTER INTO A COOPERATIVE AGREEMENT WITH THE CITY OF AVON
 AND THE COUNTY OF LORAIN TO REPLACE THE BRIDGE OVER MILLS
 CREEK LOCATED ON MILLS ROAD JUST EAST OF LEAR NAGLE ROAD,
 AND TO SHARE THE COSTS AND EXPENSES THEREFOR.

 First Reading

 moved by Young, seconded by Butkowski to dispense with second and readings
 tonight on T 110

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 Young, seconded by Butkowski to adopt tonight T 110

 moved by Young, seconded by Butkowski to add the emergency to T110 so that
 we can get the bridge replaced timely

President Arndt: Is there any discussion?

Mayor Gillock: I would just point out as we did earlier on another one with the matching funds, we are receiving on this, for every dollar spent, we are receiving fifteen.

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

Yes, 7 No, 0

President Arndt: Additionally, we have a motion on the floor by Mr. Young, a second by Mrs. Butkowski to adopt T 110 with the emergency. 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 110 is adopted with the emergency and becomes permanent ordinance 4178-2005.

 Permanent Ordinance Number 4178-2005

T 111-2005 A RESOLUTION ESTIMATING AGGREGATE MAXIMUM AMOUNT OF

1051-2005 PUBLIC FUNDS TO BE AWARDED AS ACTIVE DEPOSITS AND INTERIM DEPOSITS.

First Reading

· moved by Swindig, seconded by Olesen to dispense with second and readings tonight on T 111

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 Swindig to adopt tonight T 111

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

Yes, 7 No, 0

Clerk of Council Norris: T 111 is adopted and becomes permanent resolution 1051-2005.
Permanent Resolution Number 1051-2005

T 112-2005 A RESOLUTION ADOPTING THE NATIONAL INCIDENT MANAGEMENT
1052-2005 SYSTEM (NIMS).

First Reading

· moved by Young, seconded by Swindig to dispense with second and readings tonight on T 112

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

Yes, 7 No, 0

· moved by Young, seconded by Swindig to adopt tonight T 112

· moved by Young, seconded by Swindig to add the emergency tonight to T112 so that we can coordinate our response in the event of an emergency

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

Yes, 7 No, 0

President Arndt: Additionally, we have a motion on the floor by Mr. Young, a second by Mr. Swindig to adopt tonight T 112 with the emergency. Any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

Clerk of Council Norris: T 112 is adopted with the emergency and becomes permanent resolution 1052-2005.

Permanent Resolution Number 1052-2005

- **Second Readings**
- **Third Readings**

President Arndt: We have no second or third readings. Is there any old business to be brought

before Council? Dr. Norris, if you will read our upcoming meeting announcements

UPCOMING MEETING ANNOUNCEMENTS:

Next Regular Council Meeting Monday, September 19, 2005 at 7:30 P.M. in Council Chambers

Public Hearing Monday, October 3, 2005 at 7:15 P.M. re T 30-2005 REVISED 2

Public Hearing Monday, October 3, 2005 at 7:20 P.M. re: T 105-2005

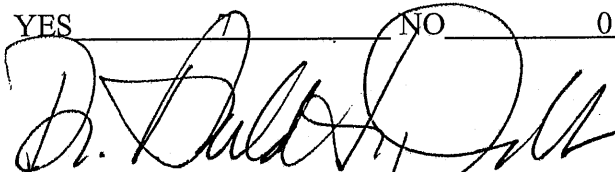
ADJOURN:

 moved by Swindig to adjourn
President Arndt: Meeting adjourned.

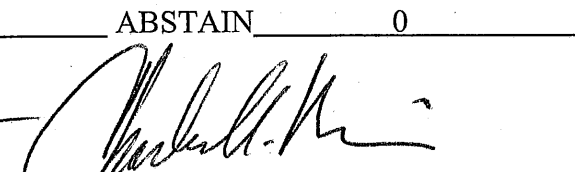
Meeting adjourned at 9:33 P.M.

MOTION _____ Olesen _____ 2ND _____ Jaenke _____ DATE _____ September 19, 2005 _____

YES _____ NO _____ 0 _____ ABSTAIN _____ 0 _____



PRESIDENT OF COUNCIL DR. RONALD F. ARNDT



CLERK OF COUNCIL CHARLES A. NORRIS