

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING SEPTEMBER 5, 2006**

CALL TO ORDER: 7:30 P.M.

President Ronald Arndt: The Chair calls to order, the North Ridgeville City Council Regular meeting dated Tuesday, September 5, 2006. Good evening everyone and welcome back. If you will all rise for our Invocation, followed by our Pledge.

INVOCATION: lead by President Arndt.

PLEDGE OF ALLEGIANCE: by all.

CALLING OF THE ROLL - ROLL CALL:

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

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

President Arndt: Two brief comments before we move to our minutes, one, we want to recognize that our Mayor recently celebrated a birthday. We wanted to make certain that did not go unacknowledged. Also, we want to welcome our new camera man, Mr. Kevin Keay. Welcome to our City Council and should anyone have any questions, he is the guy who will take care of all the problems.

MINUTES - Corrections (if any) and Approval:

President Arndt: We are going to move to our minutes and before, Dr. Norris reads our public hearings and if there are no objections, the Chair will hear a motion to accept the public hearing minutes of July 17 including T 76 and T 61 collectively.

Public Hearing Minutes of July 17, 2006 re: T 76-2006 and

Public Hearing Minutes of July 17, 2006 re: T 61-2006

moved by Olesen, seconded by Buescher to accept the public hearing minutes of July 17 regarding T 76 and T 61

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: Dr. Norris, if you will read our Council minutes of our regular meeting.

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

Council Minutes of regular meeting held July 17, 2006

 moved by Jaenke, seconded by Butkowski to approve the Council minutes of our regular meeting held July 17, 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, 7 No, 0

President Arndt: Before we move onto the minutes of special Council meetings and if there are no objections, the Chair would welcome a motion to accept the special meeting minutes held July 25 to include T 111 through and including T 118.

Council Minutes of special meeting held July 25, 2006 re: T 111-2006

Council Minutes of special meeting held July 25, 2006 re: T 112-2006

Council Minutes of special meeting held July 25, 2006 re: T 113-2006

Council Minutes of special meeting held July 25, 2006 re: T 114-2006

Council Minutes of special meeting held July 25, 2006 re: T 115-2006

Council Minutes of special meeting held July 25, 2006 re: T 116-2006

Council Minutes of special meeting held July 25, 2006 re: T 117-2006

Council Minutes of special meeting held July 25, 2006 re: T 118-2006

 moved by Buescher, seconded by Butkowski to approve the Council minutes of the special meetings held July 25 including T 111 through and including T 118

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: Dr. Norris, if you will read our Council Minutes of the special meeting held July 25.

Clerk of Council Norris: Lastly, we have the:

Council Minutes of a special meeting held July 25, 2006 re: police travel

 moved by Butkowski, seconded by Manning to approve the Council minutes of the special meeting held July 25, 2006 regarding police travel

President Arndt: Is there any discussion? The Chair has one very simple correction. On the first page Mayor Gillock said, "For the first time this year, we're confronted with, in my opinion, this arcade...." and I'm sure there would be someone who would want to make sure that, that is changed to arcane ordinance.

Council Member Buescher: archaic.

President Arndt: We will make that correction. Is there any other 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: Council will also please note before them this evening are the:

Civil Service Commission Minutes of regular meeting July 18, 2006 and August 15, 2006;

Board of Drainage and Flood Control Minutes of meeting April 28, 2006;
Parks and Recreation Commission Minutes of regular meetings June 28, 2006 and July 26, 2006;
Board of Zoning and Building Appeals Minutes of regular meetings July 27, 2006 and August 24, 2006; and
Planning Commission Minutes of regular meeting August 8, 2006.

MAYOR AND DIRECTORS REPORTS:

President Arndt: We now come to the Mayor and Directors reports and the Chair invites the Mayor and our Director's of Departments 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 and thank you for those birthday wishes. As Jack Benny, for those of you who might remember him, used to say, it's great to be 39 again. Ironically, last month, I also celebrated my 39 wedding anniversary. It is funny how those two are the same like that. Good evening and welcome back from your summer break. A lot has happened while you were gone and I would like to bring you up to date on several projects.

The intersection improvement project at Root and Lorain Road intersection is now underway. Root Road is closed on the north side of Lorain Road and will remain closed until approximately October 6. At that time the north side will be open and Root will be closed on the south side of Lorain. At all times, Lorain Road will remain open. To answer a couple of questions that have been asked, we did everything possible to not do this during the school year. However, the financing cycle combined with the necessary engineering really dictated the timing. Otherwise, we would have had to wait until next year and we didn't want to do that. Access to Fields Sweet is available for the schools and they have been in the loop throughout the entire process. Also, access will be provided for our safety forces at all times to the south side of Lorain. That intersection, as you will recall, will receive new curbs, gutters, turning lanes, lights and so forth. It is a total reconstruction with approximately 60 percent being paid with the Ohio Public Works Commission dollars, which is what we used to call Issue 2 dollars and at a total cost of almost one million dollars.

The repaving of Route 83 is almost finished. There is still some painting that remains to be done and other minor items. That project will soon be finished.

Our City crews are repaving Main and Garrett and those will be finished this week

Railroad crossings have been maintained with new ties and paving at Root, Maddock and Race Road. Last week, Norfolk and Southern replaced the crossing at Center Ridge Road located at the City border of North Ridgeville and Elyria. This was a long desired project that has been needed for several years. By working two shifts, the Railroad was able to complete that project

in three days instead of the week they originally indicated. Also, they indicated that they would start working at the crossing on Burns Road on September 7. However, they started that work today and will hopefully finish tomorrow. Hopefully, they will finish that one in two days instead of taking a whole week. We appreciate them working with us in not closing both crossings at the same time for a week as that was their original plan.

This Friday will be the bid opening for the repaving of Mills Industrial Parkway.

On August 7, I attended the Lorain County Tax Commission hearing in regards to the distribution of the local government revenue funds and tax assistant revenue funds. A question was raised as to the proper allocation of the funds. When the population of the incorporated areas of the County meets or exceeds 81 percent, the County portion decreases from 48 percent to 30 percent or the incorporated areas portion increases from 52 to 70 percent. Mayor Burner of Avon Lake and I questioned the recommendation of the County Auditor that a population count with a lesser number be used. After subsequent efforts during that week by many Mayors including a letter I wrote to the Commission, the Commission agreed to use the latest figures of the Ohio Department of Development. That means that in 2007, the City will receive approximately 220 thousand dollars more than it otherwise would have received.

On August 17, we cleared one more hurdle regarding the widening of Center Ridge Road. NOACA voted to keep our project alive and move it to the next step. On September 21, we will be making a presentation to the TRAC Committee for funding. Both of these are Federal funding sources. NOACA basically funds projects up to five million dollars and TRAC funding are funds for projects that are above five million dollars. We have shown presence at both.

I have also received a proposal for the engineering work needed to widen and rehabilitate Lear Nagle Road and you will see more on this in the upcoming months. That is tentatively scheduled to be completed in the year 2010.

I have signed a contract for the removal of the dirt at the old gas station located at the corner of Route 83 and 20. The contractor has indicated that he will do this on September 14 or 15. While we believe it is the owner's responsibility, we are going through the process of obtaining that property through eminent domain. In other words, we can clean it up now using the funds that we used for the east Center Ridge Road sewer project or we can wait until after we acquire the property. However, we would have to use funding from the General Fund. Either way, we are the ones that will be paying for it. We hope to clean the rest up with grants. The State has tried for seven years to get that cleaned up and has been unsuccessful. We want to move ahead to try to do what we can to help get rid of that eyesore. This case is still in court and it is working its way through the system.

While speaking of sewers, I would like to mention that in regards to the westerly sewer project, the final assessments were received last week and are being certified to the County Auditor for collection. I don't have those exact numbers with me tonight. However, we can get those from

the Treasurer's office if anyone is interested. After the five-year period was agreed to in the original plan, this can finally be put to rest.

Next, I would like to make a motion to suspend the By-Laws tonight to add a resolution to the agenda under first readings in order to complete an application to the Ohio Public Works Commission Integrated Committee for funds for infrastructure improvements next year. You can find that resolution at your desk. Will the Clerk please assign a T number to that resolution?
Clerk of Council Norris: That T number is T 131-2006.

 moved by Mayor Gillock, seconded by Olesen to suspend the By-Laws to give T 131 its first reading

President Arndt: Is there any discussion?

Mayor Gillock: I will defer to the Engineer, as I believe that there is a deadline and he will need this passed this evening in order to meet that deadline.

President Arndt: It does state declaring an emergency. So my presumption is that the Engineer would make that request. Is that correct?

Engineer Griffith: This request is due Friday.

President Arndt: So we do need the emergency. Is there any discussion?

Mayor Gillock: I just want to say that per Council By-Laws, we do not introduce ordinances or resolutions that include the emergency. We will make a motion at that time to add the emergency clause.

President Arndt: Is there 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 is approved.

Mayor Gillock: Finally, Mr. President, after the Lobby session, I would request to adjourn into Executive Session to address the acquisition of property. 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. Welcome back to all members even though I have seen most of you around City Hall during your recess. I would first like to bring Council's attention to item seven on your correspondence list. This is a request for travel for myself outside of the 500-mile limit imposed by ordinance 286.03(e). This travel is to attend a conference on Municipal WiFi or Wireless Communications. There are many benefits to a Municipal WiFi system and many ways to build it. Mayor Gillock has asked that I investigate this cutting edge technology with an eye for making it work for and in North Ridgeville. This conference will help in that effort.

Next, we have a number of ordinances that will need By-Laws suspended and the emergency

clause added. I would like to explain that need for T 121. Home occupation requests currently go before the Board of Zoning Appeals. T 121, if passed, would allow the Building Department to handle those requests by permit. Passing T 121 tonight, by emergency, will avoid putting applicants in limbo while the change goes through the process. I also recommend passing T 122, 123 and 124 and will defer to the Auditor on the need for the emergency clause. That concludes my report.

President Arndt: Mr. Johnson, just so that I could have some clarification, T 121 with the emergency and what were the others?

Safety-Service Director Johnson: T 122, 123 and 124.

President Arndt: One other question, Mr. Johnson. Where is this CE course you referred to?

Safety-Service Director Johnson: Minneapolis, Minnesota

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 Cable Channel 12, a government access channel, there are currently two EPA developed videos playing that are dealing with erosion and storm water runoff. The first one is called Tempest in a Channel Storm Water Runoff's impact on Urban Streams. This video is 15 minutes long and plays every day at 7:00 P.M. I have an extra copy here if you would or know of anyone who would like to borrow it. The second one is called After The Storm. It is 22 minutes long and plays on an intermittent schedule. Now, I can understand that these videos may not be as popular or as stirring as an action packed Spider Man movie, but they can and could have a more direct impact on our lives. I ask that everyone please make an attempt to view at least one of these videos. Thank you and that concludes my report.

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

- **Auditor:**

Auditor Chris Costin: Thank you, Council members. The month of August was also very busy for the Finance Department. I believe that the Mayor has adequately kept you abreast on our adventures in the bond market and you were all made aware of our successful upgrade of our bonds to A1 status. Other than that comment, the only thing I have on the agenda for you is the written report for July.

Auditor's Written Financial Report for July 2006

 moved by Boose, seconded by Butkowski to approve the Auditor's Written Financial
 Report for July, 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, 7 No, 0

President Arndt: Mr. Costin, just one question where your response might be of value for the Community. The value and the benefit in the significance of our bond rating have improved. What does that really mean for our Community, because we know that you, your department and the Mayor went to great lengths to work on that project, but what does it really mean to we, as the residents?

Auditor Costin: Well, simply speaking, the higher your bond rating the more potential buyers there are out there to buy your securities. Accordingly, A1 opens up the opportunity for other pension funds and other buyers. Since there are other buyers, that means it has a direct impact on your bonding costs and the interest we pay for those bonds. We had an excellent average rate as well. That is the impact. There are financial impacts and there are psychological impacts. It will also be easier to sell our notes as they come up. Although, we've always had the highest rating on the notes; that bond rate is reflective upon the overall debt capacity of the City. That is a very positive move for the City to obtain, which has been our highest rate historically, for the City of North Ridgeville.

President Arndt: A special thanks to your efforts, your department's efforts and the efforts of our Mayor. Dr. Norris, if you will move onto our other reports.

• **Other Reports:**

Clerk of Council Norris: Other reports before Council this evening include:
Water System operation Report for June and July 2006 and
Building Department Report for June and July 2006.

Senior Citizens Advisory Board Report by Council Member Olesen;

Council Member Olesen: The Seniors are on the move again. I would like to report that the Spaghetti dinners are going to be held on the last Friday in September and the last Friday in October. They are served from 5:00 P.M. until 7:00 P.M. at the Senior Center. If you haven't attended these, they are really great and inexpensive.

Also, happening at this moment is a Big Band Dance planned again with entertainment by the Doc McDonald Band. These tickets are on sale at the Senior Center for six dollars each. The important factor here is that all proceeds from the sale of these tickets go directly back to the Center.

The next Super Thursday luncheon will celebrate Oktoberfest and will be held on Thursday, September 28. This is fun too. There is always entertainment. Make your reservation now.

The last item I have is once again, the Senior Center will be selling entertainment books. They are now on sale at an economical price of 25 dollars. If you have never bought a coupon book like this, there are a lot of coupons for free dinners; by buying one dinner, you get one free. You

get your money back on this book quickly. Another important factor of selling these is that eight of the 25 dollars comes back to the Senior Center.

President Arndt: Thank you, Mr. Olesen. Dr. Norris if you will move right onto our Planning Commission Report.

Clerk of Council Norris:

Planning Commission Report to Council of the regular meeting August 8, 2006:

APPLICANT: John Reyes, Star Inc., 46405 Telegraph Road, Amherst, OH 44001
OWNER: Bradycams, 36741 Chester Road, Avon, Ohio 44011
REQUEST: Approval to construct a two story medical office building
LOCATION: Southwest corner of Lorain Road and Interstate 480 in a B-3 District,
 Permanent Parcel No. 07-00-004-110-035
 POSTPONED APPLICATION ON JULY 11, 2006 UNTIL THE
 REGULAR MEETING SCHEDULED AUGUST 8, 2006
PC ACTION: Postponed application on August 8, 2006 until the regular meeting
 scheduled September 12, 2006 by a vote of four to zero

President Arndt: There is no action required by Council until final action of our Planning Commission.

APPLICANT: Edward Ray Hetrick, Hetrick Repair and Improvement, 7650 Race Road
OWNER: Edward Ray Hetrick, 37772 Center Ridge Road
REQUEST: Approval to construct a 2,680 square foot building to be used as a home
 improvement company
LOCATION: 37772 Center Ridge Road in a B-3 District
 Permanent Parcel No. 07-00-034-000-001
PC ACTION: Approved application by a vote of four to zero
 moved by Jaenke, seconded by Olesen to approve the Planning Commission action for
 the approval to construct a 2,680 square foot building

President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, just a comment for Council. Here again is another company that has been in business for some time in North Ridgeville and they are expanding. This is a very positive move for the City.

President Arndt: Thank you, Mr. Jaenke. Is there any other 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: Motion is approved.

T 120-2006 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED
ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO
KNOWN AS THE ZONING CODE ORDINANCE, TO RE-ZONE THE
FOLLOWING LAND: 34941 AND 34953 CENTER RIDGE ROAD,
PERMANENT PARCEL NUMBER 07-00-016-104-142 (AS SHOWN

BY LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE DISTRICT TO B-3 HIGHWAY COMMERCIAL DISTRICT AND OWNED BY KARL L. PITTS AND GERALDINE PITTS; LEO L. PITTS AND MARYANN PITTS; DONALD J. PITTS AND PATRICIA PITTS; RICHARD F. PITTS AND CHRISTA PITTS; MARJORIE R. GRADISEK AND CLAIRE L. SPEIR

PC ACTION: Recommended approval of T 120 to Council by a vote of four to zero moved by Jaenke, seconded by Olesen to approve the Planning Commission action for the approval of T 120

President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, again, just a comment. This particular property is across from CVS Drug Store. As we all know, there are several parcels on Center Ridge that really should be zoned B-3 and this happens to be one of them. Thank you.

President Arndt: Thank you, Mr. Jaenke. Is there any other 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: Motion is approved.

T 32-2006 AN ORDINANCE AMENDING NRCO SECTION 1468.02 AND PROVIDING FOR POSITIVE DRAINAGE FOR ANY STRUCTURE ATTACHED OR DETACHED.

PC ACTION: Recommended approval of T 32 to Council by a vote of four to zero moved by Jaenke, seconded by Olesen to approve the Planning Commission action for the approval of T 32

President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, again, just a comment. This will give the Building Department the ability to be sure that there is proper drainage, proper footers, and footer drains along any building that might be purchased at Home Depot. In other words an outbuilding for storage or any additions. This is a very positive thing for the Building Department. It gives them the ability to be sure that any of these structures have proper drainage. Thank you.

President Arndt: Thank you, Mr. Jaenke. Is there any other 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: Motion is approved.

CORRESPONDENCE:

Clerk of Council Norris: There are seven items of correspondence before Council this evening.

- 1) Received notification from the Ohio Department of Commerce, Division of Liquor Control that all permits to sell alcoholic beverages in our City will expire October 1, 2006.
- 2) Received a letter from Lorain Public Library System Assistant Director, Joanne Eldridge,

submitting its first annual report of expenditures from the 1.91 mill operating levy for the North Ridgeville Branch library.

3) Received a letter from Mindy Wright, Director of Housing/Operations of the Lorain County Urban League, Inc. requesting that Paul Bellamy, Executive Director of the Lorain County Reinvestment Coalition, be allowed to present a 10 to 15 minute presentation to City Council on fair housing and predatory lending as they relate to the City and noting that this is a requirement of the City for receiving Community Development Block Grant dollars from the State.

moved by Arndt, seconded by Buescher to suspend our By-Laws to give Mr. Bellamy the opportunity to speak at our next meeting and be placed on our agenda under New Business

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: Our Chief Deputy Clerk will make certain that, that gets put into our agenda for our next meeting.

Clerk of Council Norris: Motion is approved.

4) Received a letter from Elyria Clerk of Council Arthur Weber notifying the City of a public hearing on Tuesday, September 5, 2006 to consider an ordinance rezoning real property on the south side of East Board Street at the intersection of Ternes Avenue, Elyria, Ohio, from an L-I Light Industrial District to a B-G Business-General District.

5) Received a memo from City Engineer Larry Griffith announcing that work and/or repair in the Ridgefield Subdivision No. 7 has been satisfactorily completed by the developer and recommends this subdivision receive final acceptance.

President Arndt: THE CHAIR REFERS THIS ITEM TO BUILDING AND LANDS

6) Received a letter from Mr. William Walker requesting to sell a cemetery lot back to the City.

President Arndt: THE CHAIR REFERS THIS ITEM TO THE ADMINISTRATIVE COMMITTEE

7) Received a letter from Safety-Service Director Dennis L. Johnson requesting Council's permission for travel beyond the 500-mile limit imposed by NRCO 286.03(e) for attendance at a Municipal Wireless and WiFi systems conference.

moved by Olesen, seconded Jaenke to approve the request from our Safety-Service Director Mr. Johnson requesting permission for travel beyond the 500-mile limit

President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, just a question. We have had a couple of these requests recently and I believe the Mayor indicated that perhaps we should revisit the ordinance.

President Arndt: It's in there tonight. Is there any other 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: Motion is approved.

President Arndt: We now move to new business and Dr. Norris, if you will please read our first piece of new business.

NEW BUSINESS:

Received a request to transfer a D5 liquor permit from Ichiban Japanese Steak House, Inc., 35049 51 rear and 35047 Center Ridge Road to Jal of North Ridgeville, Ohio 44039 Inc. of North Ridgeville, Ohio 44039 Inc., 35049 51 rear and 35047 Center Ridge Road.

President Arndt: The Chair at this particular point chooses to ask Council if they have any objections to granting this liquor permit transfer at this location.

 moved by Arndt, seconded by Buescher to not request a hearing at stated on the application so that this permit can be sent to the State for final disposition

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: Motion is approved.

Parks & Recreation Commission approved expenditures from the Parks and Recreation Improvement Fund requiring Council approval for the following:

- 1) \$3,215.35 for the purchase of playground loose fill surfacing
 moved by Boose, seconded by Buescher to approve the Park and Recreation Commission request for ~~3,215.25~~ 3,215.35 dollars for the purchase of playground loose fill surfacing

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, just to bring Council up to date on this particular issue. It has been a couple of years since the playground loose fill has been taken care of at this location at South Central Park and this is going to go on an annual review basis so that from now on, the Parks and Rec Maintenance Department will take a look at that to make sure that if there is more loose fill needed that it will get there. Right now it is not a safety issue so we don't have to worry about that, however, this is money very well spent.

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

Yes, 7 No, 0

Clerk of Council Norris: Expenditure is approved.

- 2) \$2,000.00 for the purchase of baseball diamond dirt
 moved by Boose, seconded by Buescher to approve the 2,000 dollars for the purchase of baseball diamond dirt

President Arndt: Is there any discussion?

Council Member Boose: Yes, again to bring Council up to date on this issue. The 2,000 dollars is a very minimal amount to spend on diamond dirt. This is much less than what we've appropriated in the past. The main reason is that we have done a good job, Gary Teel and his staff, of bringing the baseball diamonds at the Shady Drive Complex up to speed. For years, there has been very little money spent on maintaining them and over the past five to six years quite a bit of money and lots of diamond dirt has been used to bring the diamonds up to where they need to be. Now, this 2,000 dollars would be used to maintain them so that they don't become in disrepair. Again, money that is very well spent on a maintenance issue to avoid additional dollars later on.

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

Yes, 7 No, 0

Clerk of Council Norris: Expenditure is approved as requested.

AUDIENCE PARTICIPATION (Lobby):

President Arndt: We now come to our Audience Participation, our lobby section of our meeting and any member of our audience who choose to approach your City Council is welcome and invited to do so. We just ask that you fill out the Lobby form that you can find in the back of the room. When you come forward, please approach the podium immediately to the right of Mrs. Buescher, clearly stating your name and address so that we can follow up should there be a need for any personal attention. The Lobby is now open.

 moved by Arndt, seconded by Buescher to suspend our By-Laws to move into Executive Session for the purpose of discussing the acquisition of properties

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

Yes, 7 No, 0

Council recessed into Executive Session to discuss the acquisition of properties.
Council resumed from Executive Session.

President Arndt: The Chair calls the Council meeting back to order. Dr. Norris, if you will begin with our ordinances and resolutions submittals.

ORDINANCES AND RESOLUTIONS:

• **Ordinances & Resolutions Submittals**

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

T 122-2006 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

moved by Olesen, seconded by Boose to suspend By-Laws to give T 122 its first reading tonight

President Arndt: Is there any discussion?

Mayor Gillock: Mr. President, this is for the rental of a striping machine that we had to get.

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

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved.

T 123-2006 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

moved by Boose, seconded by Olesen to suspend By-Laws to give T 123 its first reading tonight

President Arndt: Is there any discussion?

Mayor Gillock: Mr. President, Council donated 3,500 dollars to the Fireman for the Fire Works show. They raised 6,500 dollars. They have the 10,000 which will be given to the City to pay for this invoice. This is just a bill that is run through the City.

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

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved.

T 124-2006 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

moved by Butkowski, seconded by Boose to suspend By-Laws to give T 124 its first reading tonight

President Arndt: Is there any discussion?

Mayor Gillock: Mr. President, this is pretty well self explanatory. In the third paragraph it indicates that we are currently working on a new online utility bill system that consists of online presentation and credit card payments. The vendor, Shamrock Companies and the City wanted to make sure that, that system was fully operational and fully functional for several months before they finally billed us for it. They kind of used us as a test center. It is working great and they have finally invoiced us for it. Therefore, these funds are for the U-Bill Advanced System. I would also ask that when T 122, 123, 124 are read this evening, that they are passed with the emergency.

President Arndt: Thank you. 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 is approved.

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

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.

President Arndt: THE CHAIR REFERS THIS TO PLANNING COMMISSION.

Mayor Gillock: Mr. President, this 778 square feet is part of the Lorain Road and Root Road intersection project. We have reached an agreement and have had it appraised. We made them an offer and they have accepted it. I don't know if it has to go to Planning, but we need to get this passed as soon as we can.

Law Director Crites: Section 8.8 of the City Charter mandates that this has to go to Planning. We could still put it on a fast track.

President Arndt: We still do have the opportunity to give at least give it, its first reading.

Mayor Gillock: We can catch up when it comes back from Planning.

President Arndt: So we will simply make that referral to the Planning Commission.

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

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

Law Director Crites: Simply a little house keeping for the sole purpose of facilitating the codification of these ordinances, I ask that this ordinance and the following ordinance T 129 receive amendments to their titles. Again, this is so that it jives solely with the codification system, which is done by an outside contractor. That being said, I ask that a member of Council or the Mayor put forth a motion to amend the solely title of this ordinance to delete the word amending and replacing it in order to read as follows: An ordinance repealing 4255-2006 and creating Chapter 1056, etcetera. Again, I am asking that an amendment be made so that the title of this ordinance be amended on the Council floor this evening to read in the first sentence as follows: An ordinance repealing 4255-2006 and creating Chapter 1056, and then continuing as it currently exists.

 moved by Boose, seconded by Jaenke to amend T 128 to read, An ordinance repealing
4255-2006 and creating Chapter 1056, Construction Site Soil Erosion, Sediment, Storm
Water Runoff and Storm Water Quality Controls and Regulations

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: Motion to amend has been approved.

T 129-2006 AN ORDINANCE AMENDING CHAPTER 1474 STORM DRAINAGE
REGULATIONS.

Law Director Crites: If I may, Mr. President. Likewise and for the same reasons I'm asking that a member of Council put forth a motion to amend the title of this ordinance on the floor this evening to simply add a phrase to the end of the title to read as follows: An ordinance amending

Chapter 1474 Storm Drainage Regulations and Amending 4256-2006.

 moved by Buescher, seconded by Butkowski to amend tonight T 129 to read An ordinance amending Chapter 1474 Storm Drainage Regulations and Amending 4256-2006.

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

 Yes, 7 No, 0

Council Member Butkowski: Mr. President, I would like to make a motion to amend T 129 down under culverts where it states storm frequency in years. I would like to change that from 25 to 50. As this is written now, it is 50 years and with the amount of storm runoff that we have in this City, I can't see how we can lower our standards, as 50 years is good and we need that at least because of the massive storm runoff we have in this City.

 moved by Butkowski, seconded by Boose to amend Section 1474.07 under structure culverts and changing 25 in terms of storm frequency years to 50

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: Motion to amend has been approved

T 130-2006 AN ORDINANCE AMENDING SECTION 1226.08 EASEMENTS.

President Arndt: THE CHAIR REFERS THIS TO PLANNING COMMISSION AND TO BUILDING AND LANDS. THE CHAIR ALSO REQUESTS THAT THE CLERK SET A PUBLIC HEARING FOR THIS FOR SEPTEMBER 18.

• **First 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.
 First Reading

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

T 121-2006 AN ORDINANCE AMENDING AND REPLACING CHAPTER 830 HOME
4308-2006 OCCUPATIONS.
 First Reading
 moved by Arndt, seconded by Boose to dispense with the second and third
 readings tonight on T 121

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 Boose, seconded by Buescher to adopt T 121

moved by Boose, seconded by Buescher to add the emergency tonight to T 121 as per the request of the Safety Service Director in order that applications being submitted right now are not held in jeopardy for the change of the ordinance

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. Boose and a second by Mrs. Buescher to adopt tonight T 121 with the emergency. Any discussion?

Council Member Boose: Mr. President, just note that again, I asked this before, but since we are passing this change in the ordinance this evening, I would like the Administration or someone from the Zoning Board to contact the gentleman in Richfield who was recently approved a couple of months ago for the dance studio. This ordinance does not allow grand fathering and he indicated during that zoning hearing that he has well more than two vehicles for his business which would be in violation of this ordinance. He will need to go to zoning to have that heard and hopefully they will look on that favorably. I just don't think that it is right for a gentleman who has a business that he brought before the City three months ago to get it approved and then the ordinance changed and three months later he wouldn't be approved. All I ask is that he be notified so that he can make sure that his business is approved.

Safety Service Director Johnson: Board of Zoning and Building Appeals is a quasi judicial board. Council does not over ride what they do. However, I would have to refer that to the Law Director on this, but I do not think that what Council is doing here tonight would change that man's authority to have a few cars in there. He has BZA approval on this.

Law Director Crites: I believe that he is right, Dennis, as he has gone before the BZA.

Council Member Boose: At the time he went in front of BZA there were no limitations on the number of cars, but now there is.

Law Director Crites: I guess I shouldn't speak without seeing exactly how BZA actually ruled. So, it is your position tonight that you think he might have to go back and actually request a variance.

Council Member Boose: I would just want to make sure that he is okay. I would rather have someone not go to him at some point later and state that he is in violation of our ordinance. I am very much in favor of this man's business and I just don't want him to get caught in the red tape of this ordinance.

Law Director Crites: We will certainly take a look at it.

President Arndt: To restate, we have a motion on the floor by Mr. Boose and a second by Mrs. Buescher to adopt tonight T 121 with the emergency. All those in favor signify by yes. All those opposed by no. Any abstention?

Yes, 7 No, 0

Clerk of Council Norris: Motion has been approved and T 121 is adopted with the emergency becoming permanent ordinance 4308-2006

Permanent Ordinance No. 4308-2006

T 131-2006 A RESOLUTION OF SUPPORT FOR OHIO PUBLIC WORKS COMMISSION
1088-2006 PROJECT PRIORITIES AND DECLARING AN EMERGENCY.

First Reading

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

President Arndt: Is there any discussion?

Mayor Gillock: Mr. President, I would like to ask the Law Director how we address the title which states declaring it an emergency as the By-Laws state that you cannot introduce an ordinance which includes the emergency. Should we suspend By-Laws and let it go as it is or do we need to amend this?

Law Director Crites: Either way. I believe that this was copied off a form that was handed down by the State. In as much as the Council By-Laws do not allow us to submit an ordinance with the emergency in it; if we simply disregard the title, go forward and adopt tonight with a superceding motion to add the emergency; I think we would be okay.

President Arndt: Is there any further discussion?

Council Member Butkowski: Mr. Chairman, under the priority projects listed on the back, number three, Chestnut Ridge Road reconstruction phase one, What part of Chestnut Ridge Road does this include?

Engineer Griffith: It's from Lear Nagle to approximately 1,000 feet west of Bainbridge, which brings it to approximately to the freeway bridge overpass.

President Arndt: Any other discussion? For clarification, we have a motion on the floor by Mayor Gillock and a second by Mrs. Buescher to dispense with the second and third readings tonight on T 131. All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

moved by Arndt, seconded by Buescher to adopt T 131

moved by Arndt, seconded by Buescher to add the emergency for the welfare of the citizens, as we need to meet the deadline by this Friday to get this application in

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 Arndt and a second by Mrs. Buescher to adopt tonight T 131 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 131 is adopted with the emergency, becoming permanent resolution 1088-2006.

Permanent Resolution No. 1088-2006

T 122-2006 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

1089-2006 First Reading

moved by Boose, seconded by Butkowski to dispense with the second and third

readings tonight on T 122

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

Yes, 7 No, 0

moved by Boose, seconded by Buescher to adopt T 122

moved by Boose, seconded by Jaenke to add the emergency tonight to T 122 in order to meet the thirty day payment deadline

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

Yes, 7 No, 0

President Arndt: Additionally, we have a motion on the floor by Boose and a second by Mrs. Buescher to adopt tonight T 122 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 122 is adopted with the emergency, becoming permanent resolution 1089-2006.

Permanent Resolution No. 1089-2006

T 123-2006 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

1090-2006 First Reading

moved by Boose, seconded by Jaenke to dispense with the second and third readings tonight on T 123

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

Yes, 7 No, 0

moved by Boose, seconded by Jaenke to adopt T 123

moved by Boose, seconded by Jaenke to add the emergency tonight to T 123 in order to meet the payment deadline

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

Yes, 7 No, 0

President Arndt: Additionally, we have a motion on the floor by Boose and a second by Mr. Jaenke to adopt tonight T 123 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 123 is adopted with the emergency, becoming permanent resolution 1090-2006.

Permanent Resolution No. 1090-2006

T 124-2006 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

1091-2006 First Reading

moved by Boose, seconded by Jaenke to dispense with the second and third readings tonight on T 124

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

Yes, 7 No, 0

moved by Boose, seconded by Jaenke to adopt T 124

moved by Boose, seconded by Jaenke to add the emergency tonight to T 124 in order to meet the payment deadline

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

Yes, 7 No, 0

President Arndt: Additionally, we have a motion on the floor by Boose and a second by Mr. Jaenke to adopt tonight T 124 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 124 is adopted with the emergency, becoming permanent resolution 1091-2006.

Permanent Resolution No. 1091-2006

• **Second Readings**

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

• **Third Readings**

T 81-2006 AN ORDINANCE AMENDING NRCO CHAPTER 476
REVISED SNOWMOBILES, OFF-HIGHWAY MOTORCYCLES AND ALL-PURPOSE
4309-2006 VEHICLES, BY ADDING ADDITIONAL REGULATIONS.
Third Reading

moved by Olesen, seconded by Jaenke to adopt tonight T 81

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

Yes, 7 No, 0

Clerk of Council Norris: T 81 is adopted becoming permanent ordinance 4309-2006.
Permanent Ordinance No. 4309-2006

T 32-2006 AN ORDINANCE AMENDING NRCO SECTION 1468.02 AND
4310-2006 PROVIDING FOR POSITIVE DRAINAGE FOR ANY STRUCTURE
ATTACHED OR DETACHED.

Third Reading

moved by Olesen, seconded by Jaenke to adopt tonight T 32

President Arndt: Is there any discussion?

Council Member Butkowski: Mr. Chairman, this ordinance is going to help a lot of people here

in this City that have experienced flooding problems from these buildings being put up and I hope that in the future, we are very careful to ensure that everyone is protected when these building are allowed to be put up.

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

Clerk of Council Norris: T 32 is adopted becoming permanent ordinance 4310-2006.

Permanent Ordinance No. 4310-2006

T 108-2006 AN ORDINANCE ACCEPTING THE FINAL PLAT OF RIDGEFIELD
4311-2006 SUBDIVISION NO. 10 FOR RECORDING PURPOSES.

Third Reading

moved by Olesen, seconded by Manning to adopt tonight T 108

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 108 is adopted becoming permanent ordinance 4311-2006.

Permanent Ordinance No. 4311-2006

President Arndt: Thank you and that concludes our third readings.

OLD BUSINESS:

T 86-2006 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A
MANNER PRESCRIBED BY LAW FOR 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 Mayor Gillock, seconded by Olesen to postpone T 86 until the next
meeting scheduled for September 18

President Arndt: Is there any discussion?

Mayor Gillock: Mr. President, I ask that it be postponed for a few reasons. We are currently waiting for approximately 84,000 dollars in contributions from two developers, which will leave 46,000 dollars for the City to come up with on the project. I asked the Auditor to see if we can find that amount of money and include that in the temporary appropriations, which will be passed at that same meeting. If we have the money, then we can include it in the appropriations and move forward. In regards to the two contributions, I have left copies of emails on your desk so that you will know exactly where we are at. One of the developers was going to bring in his contribution today and the other one was going to Federal Express it to me today. Hopefully, I will have them both tomorrow. I am not willing to move ahead with this until I have them

physically in my hand to submit to the Treasurer for deposit.

President Arndt: 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.

President Arndt: If you will read our upcoming meeting announcements.

UPCOMING MEETING ANNOUNCEMENTS:

Next Regular Council Meeting Monday, September 18, 2006 at 7:30 P.M. in Council Chambers.

President Arndt: Before we adjourn, there is one piece of unfinished business and that is tonight we must celebrate Law Director Crites' birthday. Today is his birthday. With that said, I will entertain a motion to adjourn.

Council Member Manning: Mr. President, I would like to announce that there is a Finance Committee Meeting on September 11, 2006 at 7:00 P.M. to discuss appropriations, temporary appropriations, economic development and other issues that deem necessary.

ADJOURN:

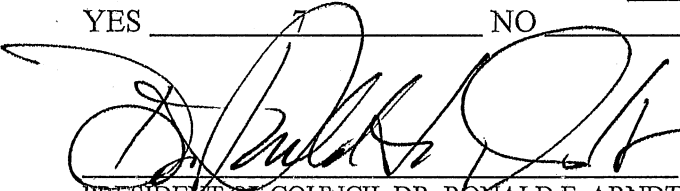
moved by Butkowski to adjourn

Meeting adjourned at 9:05 P.M.

MOTION	<u>Buescher</u>	2ND	<u>Jaenke</u>	DATE	<u>September 18, 2006</u>
YES	<u>6</u>	NO	<u>0</u>	ABSTAIN	<u>0</u>

amendment on page 11 approved 7-0

MOTION TO APPROVE AS AMENDED	<u>Jaenke</u>	2ND	<u>Manning</u>	DATE	<u>October 2, 2006</u>
YES	<u>7</u>	NO	<u>0</u>	ABSTAIN	<u>0</u>


PRESIDENT OF COUNCIL DR. RONALD F. ARNDT


CHIEF DEPUTY CLERK PAULA D. COPE, MMC