

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING SEPTEMBER 4, 2007**

CALL TO ORDER: 7:30 P.M. (Tape One, side A and B inaudible)

President of Council Ronald Arndt called to order the North Ridgeville Municipal Council, regular meeting of Tuesday, September 4, 2007.

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

MINUTES - Corrections (if any) and Approval:

Public Hearing Minutes of July 2, 2007 re: Budget
moved by Manning, seconded by Jaenke to approve the Public Hearing Minutes dated July 2 regarding the Budget

President Arndt asked if there was any discussion? There being none, he called for the vote.
Yes, 5 No, 0

Council Minutes of regular meeting held July 16, 2007
moved by Jaenke, seconded by Manning to approve the Council Minutes of their regular meeting held July 16, 2007

President Arndt asked if there was any discussion? There being none, he called for the vote.
Yes, 5 No, 0

Council Minutes of special meeting held July 17, 2007 re: School Board facilities project
moved by Boose, seconded by Jaenke to approve the Council Minutes of their special meeting held July 17, 2007 regarding the School Board facilities project

President Arndt asked if there was any discussion? There being none, he called for the vote.
Yes, 5 No, 0

Council Minutes of special meeting held July 23, 2007 re: reconsideration of 4416-2007
moved by Jaenke, seconded by Manning to approve the Council Minutes of their special meeting held July 23, 2007 regarding the reconsideration of 4416-2007

President Arndt asked if there was any discussion? There being none, he called for the vote.
Yes, 5 No, 0

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Council Minutes of special meeting held July 23, 2007 re: T 113-2007

moved by Jaenke, seconded by Manning to approve the Council Minutes of their special meeting held July 23, 2007 regarding T 113-2007

President Arndt asked if there was any discussion? There being none, he called for the vote.

Yes, 5 No, 0

Noted were:

Parks & Recreation Minutes of regular meetings held June 27, 2007 and July 25, 2007;

Board of Draining and Flood Control Minutes of regular meeting April 24, 2007;

Board of Zoning & Building Appeals Minutes of regular meeting July 26, 2007 and special meeting of August 23, 2007;

Civil Service Minutes of regular meeting July 17, 2007; and

Planning Commission Minutes of regular meeting August 14, 2007.

MAYOR AND DIRECTORS REPORTS:

• **Mayor:**

moved by Mayor Gillock, seconded by Buescher to suspend the By-Laws to allow T 125-2007 to have its first reading this evening

President Arndt asked if there was any discussion? There being none, he called for the vote.

Yes, 5 No, 0

• **Safety-Service Director:**

Reported on the power outage today that lasted approximately two and a half hours that affected nearly all of North Ridgeville and parts of Elyria, North Olmsted, Avon and Columbia Station noting that the cause was a problem in a substation. Safety-Service Director Johnson suggested that anyone who depends on electrical power for medical reasons should contact the Fire Department and let them know because waiting until an extended power outage happens, can delay assistance.

Safety-Service Director Johnson explained that an electrical outage of any sort affects traffic lights and Ohio law requires traffic to treat the intersection as a four-way stop. Reported on the start of a program to upgrade traffic lights to work on battery power during power outages noting that it will be some time before this is complete.

Reported that the HB 300 projects are ready to start noting discussions at a recent Finance Committee meeting. Legislation should be prepared for the next Council Meeting and for any questions or comments on the project, contact the Safety-Service Director. Explained that they would like the legislation passed at the next meeting to get this project underway since they have been delaying maintenance and purchase of equipment that will be involved in this project.

Requested Council to consider passing T 124 tonight with the emergency explaining that this is a \$4,000 expenditure for the fireworks that was inadvertently missed during the purchase order process. He noted that over \$6,000 was raised and spent by our Firefighters for the fireworks and those funds have already been paid. The City share is now overdue.

- **Engineer:**

Reported on a Friday, August 3, Chronicle Telegram opinion page letter, where the writer took issue with the fact that he insinuated in an article in the Mayor's newsletter, that he called a person, who would call the City concerning a \$2 increase in their water bill, a complainer. Explained that was not his intent and noted that how you took the statement would depend on your definition of complaint.

He further explained that the only point he was trying to make was that in 2006, Americans consumed about 28 gallons of bottled water per person at a cost of about \$11 billion and explained the origins of bottled water. He further explained a recent disclosure that 24 percent of the bottled water we buy is tap water repackaged by Coca-Cola and Pepsi.

He reported on the enormous cost of bottled water compared to tap water because of the additional expense that also, has its effect on the environment. He noted the crude oil necessary to produce the plastic bottles, and the transportation cost of what is a very weighty product and finally, the issue of getting rid of the empty bottles, since only about 10 percent of them are recycled.

He further stated that he could go on with additional information, but the point he was attempting to make is that bottled water is not better than our tap water and people are spending an extremely large amount of money that could be better spent elsewhere.

- **Auditor:**

Auditor's Written Financial Report for June 2007

moved by Boose, seconded by Buescher to approve the Auditor's written financial report for June 2007

President Arndt asked if there was any discussion? There being none, he called for the vote.

Yes, 5 No, 0

- **Other Reports:**

Noted were:

Police Department Support Car Report for June 2007;
OM Public Sector Solutions Report of our first Business Summit May 2007;
OM Public Sector Solutions Monthly Report dated August 14, 2007;

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Water System Operation Report for June and July 2007;
Building Department Report for June and July 2007;
Mayor's Court Monthly Report for July 2007; and
Fire Department Report for July 2007.

Planning Commission Report to Council of regular meeting August 14, 2007:

APPLICANT: Kevin Corcoran, Bob Schmitt Homes, Inc., 8501 Woodbridge Court
OWNER: Bagley Lorain Properties, LLC, 8501 Woodbridge Court
REQUEST: Preliminary plan approval for phase one of a proposed Skilled Nursing Facility
LOCATION: Northeast corner of Bagley and Lorain Road in a Special Development District
Permanent Parcel No. 07-00-011-102-009, 07-00-011-102-012 and 07-00-011-102-013
PC ACTION: Approved by a vote of five to zero contingent upon satisfying all requirements at the final approval.
moved by Manning, seconded by Jaenke to approve the Planning Commission action regarding the preliminary plan approval for phase one of a proposed Skilled Nursing Facility

President Arndt asked if there was any discussion?

Council Member Buescher expressed her opposition to the manner in which Planning Commission handled this application and referred to their minutes. She requested outside legal counsel.

Council Member Jaenke explained that this is a good economical project which would create approximately 100 jobs.

Law Director Crites explained the process of a special development district and further referred to provisions in the ordinance that allow Planning Commission to make recommendations to Council to modify the process.

Council Member Manning echoed Mr. Jaenke's comments.

Council Member Boose stated that, to avoid any potential conflict of interest, it would be necessary for him to abstain from voting on this issue.

President Arndt asked if there was any further discussion. There being none he called for the vote.

Yes, 3 No, 1 (Buescher) Abstain, 1 (Boose)

APPLICANT: Verizon Wireless, c/o Mark T. Morris, Schnelz Wells, P.C., 280 N. Old Woodward, #250, Birmingham, MI 48009
OWNER: John J. Kapelka Co., LTD., 33310 Lorain Road
REQUEST: Approval to collocate Verizon Wireless antennas onto an existing AT&T cell tower and to install a shelter within the compound
LOCATION: 33384 Lorain Road in a B-3 District
Permanent Parcel No. 07-00-010-107-067
PC ACTION: Approved by a vote of five to zero

moved by Boose, seconded by Jaenke to approve the Planning Commission action regarding the collocation of Verizon Wireless antennas onto an existing AT&T tower and to install a shelter within the compound

President Arndt asked if there was any discussion?

Council Member Jaenke explained that this is a collocation and is encouraged whenever possible. He further explained that the tower is there in use and barely visible from Lorain Road.

President Arndt asked if there was any further discussion? There being none, he called for the vote.

Yes, 5 No, 0

T 91-2007 AN ORDINANCE DEDICATING PERMANENT PARCEL NO.
07-00-020-138-012 FOR PUBLIC PURPOSES

PC ACTION: Recommended approval by a vote of five to zero

moved by Boose, seconded by Manning to approve the Planning Commission action regarding their recommendation to approve T 91-2007

President Arndt asked if there was any discussion? There being none, he called for the vote.

Council Member Jaenke noted that this is the Mildred Street extension property.

President Arndt asked if there was any further discussion? There being none, he called for the vote.

Yes, 5 No, 0

COUNCIL COMMITTEE REPORTS:

Clerk of Council Norris:

1) FINANCE COMMITTEE REPORT #5679 dated August 21, 2007. Members of Council: We have considered the matter of a water rate increase to cover the costs of replacement needs as outlined in the proposal from Johnson Controls; to cover the cost of a one time water rate increase from our suppliers and to cover costs of increasing the capacity of the ETL2 water line and recommend that this request be approved and proper legislation be drawn authorizing the above.

Signed: Chairperson Manning, Members Boose and Jaenke.

moved by Manning, seconded by Jaenke to approve the Finance Committee Report #5679

President Arndt asked if there was any discussion? There being none, he called for the vote.

Yes, 5 No, 0

2) FINANCE COMMITTEE REPORT #5680 dated August 21, 2007. Members of Council: We have considered the matter of the financing for the installation and modification of energy conservation measures as outlined in the proposal from Johnson Controls and recommend that this request be approved and proper legislation be drawn authorizing the funding for this project.

Signed: Chairperson Manning, Members Boose and Jaenke.

moved by Manning, seconded by Jaenke to approve the Finance Committee Report #5680

President Arndt asked if there was any discussion? There being none, he called for the vote.

Yes, 5 No, 0

3) FINANCE COMMITTEE REPORT #5681 dated August 21, 2007. We have considered the matter of the installation and modification of energy conservation measures to reduce energy consumption by the City as outlined in the proposal from Johnson Controls and recommend that this request be approved and proper legislation be drawn authorizing the Mayor to enter into a contract for the installation and modification of energy conservation measures to reduce energy consumption.

Signed: Chairperson Manning, Members Boose and Jaenke.

President Arndt asked if there was any discussion?

Council Member Boose requested that the base figures for the equipment and installation of Galaxy AMR Systems and Meters in the amount of 184,000 and 121,000, respectively, be reviewed and confirmed in the Facility Improvement Measure Summary Table for the HP 300 project because once those figures are set, we have to live with them for ten years.

President Arndt asked if there was any further discussion? There being none, he called for the vote.

Yes, 5 No, 0

CORRESPONDENCE:

1) Received a letter from Kevin Corcoran, Vice-President and General Counsel for Bob Schmitt Homes, Inc. clarifying the project proposal to location in a Special Development District located on the corner of Bagley and Lorain Roads.

2) Received a letter from Council Member Nancy Buescher in regard to requirements and procedures relating to Planning Commission's approval of a preliminary plan in a Special Development District located on the corner of Bagley and Lorain Roads.

3) Received a letter from Council Member Boose requesting a review of Codified Ordinance Chapter 634 relating to noise control.

4) Received a letter from Council Member Boose requesting a review of Codified Ordinance Chapter 1279 relating to Planned Community Development.

NEW BUSINESS:

Request for a C1 and C2 liquor permit transfer from Teska Service Center Inc., DBA Teskas Food & Beverage, 8995 Avon Belden Road to Sunrise Marathon LLC DBA Teskas Food & Beverage, same location.

Request for a new D1 and D2 liquor permit for Tompot Family Holdings Inc., DBA Tommy's PCR, 34441 Center Ridge Road.

Request for a D5 and D6 liquor permit transfer from Geppettos Pizza and Ribs Inc., DBA Geppettos Johnny Malloys, 34259-63 Center Ridge Road to Blechschmid Group LLC, DBA Geppettos Johnny Malloys, same location.

Request for a new D5 liquor permit for RBL Inc., DBA Aces Bar and Grille, 32650 Lorain Road

 moved by Arndt, seconded by Jaenke to waive the hearings as stated on the applications so that these permits can be sent to the State for final disposition
President Arndt asked if there was any discussion? There being none, he called for the vote.
 Yes, 5 No, 0

Request for Council approval to expend \$4,250.00 from the Parks & Recreation Improvement Fund to install sidewalks on the corner of Center Ridge and Avon Belden Roads
 moved by Boose, seconded by Buescher to approve the expenditure of \$4,250.00 for Park and Rec. to install sidewalks on the corner of Center Ridge and Avon Belden Roads
President Arndt asked if there was any discussion? There being none, he called for the vote.
 Yes, 5 No, 0

AUDIENCE PARTICIPATION (Lobby):

- 1) Jeff Russell spoke regarding the JEDD Agreement.
- 2) Eugene Kleinholz of 7324 Dyke Avenue spoke regarding the sewers for Dyke Road and asked that T 117 be approved tonight with the emergency.
- 3) Gary Cumbley of 37773 Avalon Drive spoke regarding his opposition to the connection of Otten Road and submitted a petition signed by 300 residents to Council President Ronald Arndt.
- 4) George Keaton of 38032 Edge Meadow Court spoke his opposition regarding the removal of trees between Avalon Estates and Meadow Lakes.
- 5) Cyrene Kafter of 38056 Edge Meadow Court spoke her opposition regarding the removal of trees between Avalon Estates and Meadow Lakes.
- 6) Ray McLaughlin of 7183 Kensington Drive spoke regarding Barres Road.
- 7) Paul Papes of 5240 Lear Nagle Road spoke regarding the traffic on Lear Nagle and noted that this is the first he has heard of a traffic meter.
- 8) Eugene Kleinholz of 7324 Dyke Avenue spoke regarding the Olde Town Hall building and the repairs that are needed.
- 9) Gary Crumley of 37773 Avalon Drive spoke again regarding his opposition to the connection of Otten Road.

moved by Boose, seconded by Buescher to allow Mr. Crumley to continue to speak for an additional three minutes
President Arndt asked if there was any discussion. There being none, he called for the vote.
 Yes, 5 No, 0

(Tape Two, side A begins)

- 10) Gary Crumley continued to speak regarding the connection of Otten Road.
- 11) Lois Sullivan of 5880 Jaycox Road spoke regarding the sink holes on Barres and explained that those sink holes were not there until the area started being developed and that possibly, the sink holes may have been caused by the developers.

 moved by Arndt, seconded by Boose to suspend our By-Laws tonight to dispense with recess
President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?
 Yes, 5 No, 0

President Arndt: We want to thank everybody who, in the audience tonight, came and shared their observations and comments with us. If you want to stay and listen to the rest of the meeting, we would love to have some company. However, we are not offended if you choose not to.

RECESS: dispensed with

President Arndt: We are on page six of our meeting and we will begin with ordinances and resolution submittals, Dr. Norris, starting with T 114.

 moved by Arndt, seconded by Boose to amend T 114-2007 by striking 436.065 and replacing it with 436.035

President Arndt: Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?
 Yes, 5 No, 0

President Arndt: Now we can read T 114 as amended.

ORDINANCES AND RESOLUTIONS:

• **Ordinances & Resolutions Submittals**

Clerk of Council Norris:

T 114-2007 AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF
 CERTAIN ORDINANCES AND RESOLUTIONS AS PARTS OF THE

VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO APPROVE, ADOPT, ENACT AND PUBLISH NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; AND TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

moved by Arndt, seconded by Boose to suspend our By-Laws tonight to give T 114 its first reading

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

Yes, 5 No, 0

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

moved by Arndt, seconded by Buescher to suspend our By-Laws tonight to give T 115 its first reading

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

Yes, 5 No, 0

T 116-2007 AN ORDINANCE AMENDING NRCO § 242.09 AND REPLACING ORDINANCE NOS. 1199-76, 3145-96, 4321-2006, AND 4349-2006 OF THE CITY OF NORTH RIDGEVILLE, OHIO, RELATING TO AMBULANCE AND PARAMEDIC FEES AND USE.

moved by Boose, seconded by Buescher to suspend our By-Laws tonight to give T 116 its first reading

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

Yes, 5 No, 0

T 117-2007 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH A CONSULTING ENGINEERING FIRM FOR PLANS, SPECIFICATIONS, BIDDING DOCUMENTS AND CONSTRUCTION PHASE SERVICES, FOR THE IMPROVEMENT OF THE CITY'S SANITARY AND STORM SEWER SYSTEMS AND WATER MAINS ON DYKE AVENUE AND THE SURROUNDING AREA, TOGETHER WITH NECESSARY APPURTENANCES AND WORK-RELATED INCIDENTALS THERETO, NOT TO EXCEED \$250,000.00.

moved by Boose, seconded by Jaenke to suspend our By-Laws tonight to give T 117 its first reading

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

Yes, 5 No, 0

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

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

T 120-2007 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO PURCHASE A NEW BACK HOE INCLUDING APPURTENANCES FROM THE STATE CO-OP, OR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT TO EXCEED \$77,000.00.

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

T 122-2007 AN ORDINANCE AMENDING ORDINANCE 4450-2007 WHICH ESTABLISHED A PAY SCALE FOR THE FULL-TIME JOB POSITION OF CLERK/TYPIST.

 moved by Mayor Gillock, seconded by Manning to suspend our By-Laws tonight to give T 122 its first reading

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

Yes, 5 No, 0

T 123-2007 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO ENTER INTO A CONTRACT FOR THE PURCHASE OF DOCUMENT IMAGING SOFTWARE FROM THE STATE CO-OP, AND TO PURCHASE THE NECESSARY HARDWARE, PERIPHERALS, MEMORY UPGRADE AND APPURTENANCES, INCLUDING TRAINING, ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT TO EXCEED \$47,000.00.

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

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

Yes, 5 No, 0

T 124-2007 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

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

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

Yes, 5 No, 0

President Arndt: What was once no first readings, is now a plethora of such. We will begin, Dr. Norris, with T 125.

• **First Readings**

Clerk of Council Norris:

T 125-2007 A RESOLUTION AUTHORIZING AN APPEAL TO THE STATE OF OHIO
1109-2007 BOARD OF TAX APPEALS BY THE CHIEF FISCAL OFFICER OF THE
 CITY OF NORTH RIDGEVILLE OHIO FROM THE ACTION BY THE
 LORAIN COUNTY BUDGET COMMISSION APPORTIONING THE
 UNDIVIDED LOCAL GOVERNMENT FUND ENTITLEMENT TO
 SUBDIVISIONS IN LORAIN COUNTY FOR THE 2008 YEAR IN
 ACCORDANCE WITH THE IMPROPER ALTERNATIVE FORMULA
 AGREEMENT ENTERED INTO IN 2003. IN ORDER TO PROTECT THE
 CITY'S RIGHTS AND INTEREST IN AND TO ITS ALLOCATION OF SUCH
 FUNDS UNDER CHAPTER 5747 OF THE OHIO REVISED CODE.

First Reading

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

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

Yes, 5 No, 0

 moved by Buescher, seconded by Boose to adopt tonight T 125

 moved by Boose, seconded by Jaenke to add the emergency to tonight to T 125 in order to meet the September 20 deadline

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

Yes, 5 No, 0

President Arndt: Additionally, we have a motion on the floor by Mrs. Buescher and a second by Mr. Boose to adopt tonight T 125 with the emergency. Any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 5 No, 0

Clerk of Council Norris: T 125 is adopted with the emergency and becomes permanent resolution number 1109-2007.

Permanent Resolution No. 1109-2007

T 114-2007 AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF
4452-2007 CERTAIN ORDINANCES AND RESOLUTIONS AS PARTS OF THE
VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO
APPROVE, ADOPT, ENACT AND PUBLISH NEW MATTER IN THE
UPDATED AND REVISED CODIFIED ORDINANCES; AND TO REPEAL
ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

First Reading

moved by Boose, seconded by Buescher to dispense with the second and third readings tonight on T 114

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, yes, it really makes good sense to move this along this evening. I don't see a reason for the emergency clause to be added. However, it makes it much easier for residents, Council people and everyone alike, to be able to look this information up to make sure it is accurate and not have to think that it was changed and not updated in the codified ordinances. This is why, I think, we should move forward with this, this evening.

President Arndt: Thank you, Mr. Boose and in addition, it enables us to be all on the same State and Municipal ordinances simultaneously. Thank you for that. Any other discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 5 No, 0

moved by Boose, seconded by Jaenke to adopt tonight T 114

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

Yes, 5 No, 0

President Arndt: Mr. Costin?

Auditor Costin: In case I may be mistaken, I don't show Council suspending the rules for this to have its first reading.

President Arndt: I did, yes. I made the motion and it was seconded by Mr. Boose.

Auditor Costin: I missed that and since you're the Chair, we are good to go. I just wanted to make sure that we didn't do something improper.

Clerk of Council Norris: T 114 is adopted and becomes permanent ordinance number 4452-2007.

Permanent Ordinance No. 4452-2007

Mayor Gillock: You didn't add the emergency clause?

President Arndt: We did not.

Mayor Gillock: Your By-laws don't allow an ordinance to be introduced containing the emergency clause, but this one does. In section five of this ordinance, it says that this ordinance is hereby declared to be an emergency measure. Your By-Laws don't allow you to introduce it with that included and you just adopted it with this language including the emergency clause.

I'm not trying to be difficult.

President Arndt: What you are suggesting is, is that we should add the emergency to this?

Mayor Gillock: I think you should remove section five.

 moved by Arndt, seconded by Buescher to reconsider and bring back to the floor
T 114

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

 Yes, 5 No, 0

President Arndt: Are we suggesting that we eliminate all of section five?

Law Director Crites: Delete it from the ordinance.

President Arndt: Let me make certain that I get this clear. We want a motion to amend what we
have already adopted.

 moved by Arndt, seconded by Buescher to amend T 114 as adopted by striking
section five from that ordinance

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

 Yes, 5 No, 0

 moved by Arndt, seconded by Boose to adopt T 114 as amended

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

 Yes, 5 No, 0

Clerk of Council Norris: T 114 is adopted as amended becoming permanent ordinance number
4452-2007.

 Permanent Ordinance No. 4452-2007

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

First Reading

T 116-2007 AN ORDINANCE AMENDING NRCO § 242.09 AND REPLACING
4453-2007 ORDINANCE NOS. 1199-76, 3145-96, 4321-2006, AND 4349-2006 OF THE
CITY OF NORTH RIDGEVILLE, OHIO, RELATING TO AMBULANCE AND
PARAMEDIC FEES AND USE.

First Reading

 moved by Boose, seconded by Jaenke to dispense with the second and third
readings tonight on T 116

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, I believe I have already indicated this earlier, but I think
it bares repeating. This places the fees into a special fund versus part of it being placed into the
General fund, as the previous ordinance did in order that these can be used for the new
Paramedics and get that third unit out on the road.

President Arndt: Any other discussion? All those in favor signify by yes. All those opposed by

no. Any abstentions?

Yes, 5 No, 0

 moved by Boose, seconded by Jaenke to adopt tonight T 116

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

Yes, 5 No, 0

Clerk of Council Norris: T 116 is adopted becoming permanent ordinance number 4453-2007.
Permanent Ordinance No. 4453-2007

T 117-2007 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
4454-2007 CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY
LAW WITH A CONSULTING ENGINEERING FIRM FOR PLANS,
SPECIFICATIONS, BIDDING DOCUMENTS AND CONSTRUCTION PHASE
SERVICES, FOR THE IMPROVEMENT OF THE CITY'S SANITARY AND
STORM SEWER SYSTEMS AND WATER MAINS ON DYKE AVENUE AND
THE SURROUNDING AREA, TOGETHER WITH NECESSARY
APPURTENANCES AND WORK-RELATED INCIDENTALS THERETO,
NOT TO EXCEED \$250,000.00.

First Reading

 moved by Arndt, seconded by Jaenke to dispense with the second and third
readings tonight on T 117

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

Yes, 5 No, 0

 moved by Arndt, seconded by Jaenke to adopt tonight T 117

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, just for clarification. Although this has been discussed
for a long time, and even as recently as our appropriations earlier this year, it was not approved at
appropriations. It is my understanding from Mr. Costin that there are appropriate funds in the
contingency. Therefore, there shouldn't be any issue in being able to fund this.

Auditor Costin: That is correct.

President Arndt: Thank you.

 moved by Mayor Gillock, seconded by Boose to add the emergency to T 117 for
the welfare of the residents on Dyke Road

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

Yes, 5 No, 0

President Arndt: In addition we have a motion on the floor by Arndt and a second by Mr. Jaenke
to adopt tonight T 117 with the emergency. Is there any discussion?

Council Member Buescher: Mr. President, I think that it is important for all of the residents on
Dyke Avenue to know that this has been mandated by the EPA that the sewer system go in. Is
that correct?

Mayor Gillock: Yes.

President Arndt: Again, for clarification, we have a motion on the floor by Arndt and a second by

Mr. Jaenke to adopt tonight T 117 with the emergency. All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 5 No, 0

Clerk of Council Norris: T 117 is adopted with the emergency becoming permanent ordinance number 4454-2007.

Permanent Ordinance 4454-2007

T 122-2007 AN ORDINANCE AMENDING ORDINANCE 4450-2007 WHICH
4455-2007 ESTABLISHED A PAY SCALE FOR THE FULL-TIME JOB POSITION OF
CLERK/TYPIST.

First Reading

moved by Mayor Gillock, seconded by Arndt to dispense with the second and third readings tonight on T 122

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

Yes, 5 No, 0

moved by Mayor Gillock, seconded by Buescher to adopt tonight T 122

President Arndt: Any discussion?

Council Member Boose: Mr. President, I just want to make sure that my recollection is correct or incorrect. I do not recall, specifically in appropriations, whether this was meant to be governed by the union contract or if it was not. Was that discussed during appropriations? Perhaps, Mr. Costin could comment on that.

Safety-Service Director Johnson: Yes, it was discussed under a different title. The title was Full Time Floater, which is what this position really is. It was agreed all along with the union and it was discussed at appropriations. As a matter of fact, the person is on the job now. We are acting as if she were a union member. We have a ruling from the Law Director along the same lines, just for clarification, in order that any future issues that come up with this, it is clear to everyone.

Auditor Costin: The title was talked about in general. It was inferred that it would be a union position, because he did mention that it was discussed with the unions. What we failed to do was attach it to any particular union. It is a technicality that this ordinance is correcting.

Council Member Boose: Thank you, very much.

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

Yes, 5 No, 0

Clerk of Council Norris: T 122 is adopted becoming permanent ordinance number 4455-2007.

Permanent Ordinance No. 4455-2007

T 123-2007 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4456-2007 RIDGEVILLE TO ENTER INTO A CONTRACT FOR THE PURCHASE OF
DOCUMENT IMAGING SOFTWARE FROM THE STATE CO-OP, AND TO
PURCHASE THE NECESSARY HARDWARE, PERIPHERALS, MEMORY
UPGRADE AND APPURTENANCES, INCLUDING TRAINING,
ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT
TO EXCEED \$47,000.00.

First Reading

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

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

Yes, 5 No, 0

moved by Boose, seconded by Buescher to adopt T 123

moved by Boose, seconded by Buescher to add the emergency tonight to T 123 as this has already been approved in appropriations this year and all parties are ready to move on this project

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

Yes, 5 No, 0

President Arndt: Additionally, we have a motion on the floor by Mr. Boose and a second by Mrs. Buescher to adopt T 123 tonight with the emergency. Is there any discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 5 No, 0

Clerk of Council Norris: T 123 is adopted with the emergency becoming permanent ordinance number 4456-2007.

Permanent Ordinance No. 4456-2007

T 124-2007 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

1110-2007 First Reading

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

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

Yes, 5 No, 0

moved by Arndt, seconded by Boose to adopt T 124

moved by Arndt, seconded by Boose to add the emergency tonight to T 124 so that we can make certain that the American Fireworks Company is paid as opposed to being in arrears

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

Yes, 5 No, 0

President Arndt: We have a motion on the floor by Arndt and a second by Mr. Boose to adopt tonight T 124 with the emergency. Any discussion?

Council Member Boose: Mr. President, just to note that as Safety-Service Director Johnson indicated earlier in his report, this is just a portion of the overall expense of the annual fireworks. It was actually 10,000 with 6,000 being raised by the Fire Department and other causes. It was an outstanding event. One that we've heard numerous compliments about and was well worth the expense. Thank you.

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

Yes, 5 No, 0

Clerk of Council Norris: T 124 is adopted with the emergency and becomes permanent resolution number 1110-2007.

Permanent Resolution No. 1110-2007

President Arndt: That concludes our first readings and we now move into second readings for the evening, beginning with T 64.

• **Second Readings**

Clerk of Council Norris:

T 64-2007 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: 34626 CENTER RIDGE ROAD AND 34564 CENTER RIDGE ROAD, ALSO KNOWN AS PERMANENT PARCEL NUMBERS 07-00-016-101-007 AND NO. 07-00-016-101-008 (AS SHOWN BY LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE DISTRICT TO B-3 HIGHWAY COMMERCIAL DISTRICT AND OWNED BY JOZSEF AND KATALIN BURDA.

Second Reading

T 91-2007 AN ORDINANCE DEDICATING PERMANENT PARCEL NO. 07-00-020-138-012 FOR PUBLIC PURPOSES.

Second Reading

T 108-2007 AN ORDINANCE AMENDING NRCO SECTION 1046.06 BILLING TO ADD THE LIEN PROCEDURES CONTAINED IN ORDINANCE NO. 4429-2007 FOR COLLECTING DELINQUENT DEBTS.

Second Reading

T 109-2007 AN ORDINANCE AMENDING NRCO SECTION 1046.18 SECURITY DEPOSITS.

Second Reading

President Arndt: That concludes our second readings and we move with pall mall to T 47 in our third readings

• **Third Readings**

T 47-2007 AN ORDINANCE AMENDING NRCO SECTION 1224.05 APPROVAL

4457-2007 PROCEDURE FOR SUBDIVISIONS INVOLVING MORE THAN FIVE LOTS.
Third Reading

moved by Jaenke, seconded by Manning to adopt tonight T 47

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

Yes, 4 No, 1 (Buescher)

Clerk of Council Norris: Motion is approved by a vote of four to one and T 47 becomes permanent ordinance 4457-2007.

Permanent Ordinance No. 4457-2007

T 48-2007 AN ORDINANCE AMENDING NRCO SECTION 1242.03 BUILDING

4458-2007 PERMITS AND CERTIFICATES OF OCCUPANCY REQUIRED;
CERTIFICATES FOR NONCONFORMING USES; ISSUANCE OF STREET
NUMBERS FOR STRUCTURES; TIME LIMITATION FOR
COMMENCEMENT OF WORK.

Third Reading

moved by Jaenke, seconded by Manning to adopt tonight T 48

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

Yes, 4 No, 1 (Buescher)

Clerk of Council Norris: T 48 is adopted by a vote of four to one and becomes permanent ordinance 4458-2007.

Permanent Ordinance No. 4458-2007

T 93-2007 AN ORDINANCE APPROVING THE FINAL PLAT OF HAMPTON PLACE

4459-2007 SUBDIVISION FOR RECORDING PURPOSES ONLY.

Third Reading

moved by Jaenke, seconded by Manning to adopt tonight T 93

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

Yes, 5 No, 0

Clerk of Council Norris: T 93 is adopted becoming permanent ordinance 4459-2007.

Permanent Ordinance No. 4459-2007

President Arndt: That concludes all of our third readings and bringing us to old business to which we have none. We move now to our upcoming meeting announcements. Dr. Norris?

UPCOMING MEETING ANNOUNCEMENTS:

Clerk of Council Norris:

Next Regular Council Meeting Monday, September 17, 2007 at 7:30 P.M. in Council Chambers

Administrative Committee Meeting Tuesday, September 11, 2007 at 6:40 P.M.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING SEPTEMBER 4, 2007**

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Public Hearing Monday, September 17, 2007 at 7:20 P.M. regarding T 64-2007 to rezone 34626 and 34564 Center Ridge Road from R-1 to B-3

President Arndt: Ladies and Gentleman, this, I believe, in the four years that I have sat in this seat as President, I don't believe that our meetings have ever gone this long.

Council Member Boose: Mr. President, just a note and I know that I have mentioned this before, but I would really appreciate it, if at all possible; when the Chairmen of the subcommittees for Council schedule meetings, that they at least try to contact all the Members of the committee to see if they can make such meeting. I am a Member of the Administrative Committee and I was not asked if I could attend that meeting at that time. I can, so there is no problem. However, it would have been nice and courteous to at least ask me. I am the Chairman of the Safety Committee and right now, I am trying to schedule a meeting for all the Members of the Committee to be there at the same time. It is difficult to do that, but I think it is common courtesy to do that and I would just ask that the same courtesy be given to all the other Council Members for their committee assignments as well. Thank you.

President Arndt: Duly noted. Any other comments? The Chair will entertain a motion.

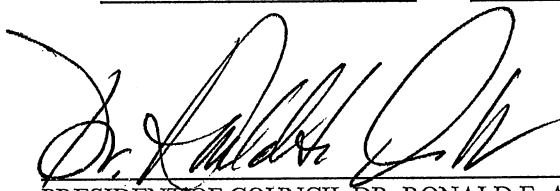
ADJOURN:

moved by Jaenke to adjourn

Meeting adjourned at 9:45 P.M.

MOTION Jaenke 2ND Manning DATE October 1, 2007
as corrected October 1, 2007

YES 5 NO 1 - Buescher ABSTAIN 1 - Butkowski



PRESIDENT OF COUNCIL DR. RONALD F. ARNDT



CLERK OF COUNCIL CHARLES A. NORRIS