

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING MAY 19, 2008**

CALL TO ORDER: 7:30 P.M.

President Butkowski: I'd like to call the regular meeting, Monday, May 19, to order. Will everyone please stand for the invocation followed by the pledge of allegiance.

INVOCATION: lead by President Butkowski.

PLEDGE OF ALLEGIANCE: by all.

President Butkowski: Clerk, please call the roll.

ROLL CALL:

Present were Council Members Nancy Buescher, Dennis Boose, Richard Jaenke, Bob Olesen, Kevin Corcoran, Ray McLaughlin and President Bernadine Butkowski.

Also, present were Mayor David Gillock, Safety-Service Director Denny Johnson, Law Director Andy Crites, Auditor Chris Costin and Clerk of Council Vince Farrell.

Absent was Engineer Larry Griffith.

MINUTES - Corrections (if any) and Approval:

Council Minutes of regular meeting held May 5, 2008

President Butkowski: Are there any corrections?

Council Member Boose: Madam President, there are two corrections. On page 16; on the ninth line from the bottom it says that Council Member Boose stated Madam President, this matter is simply a roll over of the previous bonds. That should say BANs and then on the 16th line from the bottom where it says moved by Boose, seconded by Jaenke to add the emergency due to the timing of the expiration of the existing bonds. That should also be BANs. Thank you.

President Butkowski: Thank you, are there any other corrections?

 moved by Boose, seconded by Corcoran to approve the minutes as corrected.

President Butkowski: Clerk, please call the roll.

 Yes, 7 No, 0

Clerk of Council Farrell: Vote is seven, zero, Madam President.

President Butkowski: Please note the:

Parks & Recreation Commission Minutes of regular meeting March 26, 2008;
Civil Service Commission Minutes of April 15, 2008;
Board of Zoning & Building Appeals Minutes of regular meeting April 24, 2008 and
special meeting April 24, 2008;
Board of Drainage & Flood Control Minutes of regular meeting January 23, 2008;
Planning Commission Minutes of regular meeting May 13, 2008 and
special meeting May 13, 2008.

President Butkowski: We'll move on to the lobby.

LOBBY:

President Butkowski: I'm asking anyone who would like to address Council tonight to fill out the form that you can find in the back of the room and place it on the desk next to Mrs. Buescher. This will allow us to get back to you, if necessary. Please give your name and address. You will have three minutes to address your Council. Is there anyone who would like to speak tonight?

- 1) John Sanderson of 32975 Bagley Road thanked Council for not approving the Value Place Hotel and suggested that if they want to build in North Ridgeville, than they could build at the old Ridgeville Plaza. He noted that intersection located on Lorain Road is the first place out-of-towners see when they come into town. He believes that location needs to be developed into a nice looking area in order to invite people into our town.
- 2) Helen Hill of 5805 Avon Belden Road spoke regarding her concerns on getting new businesses into the City and asked why Avon is getting business establishments, such as the YMCA and North Ridgeville isn't. She noted that Eaton Township is looking for a sports place on the west side. She asked a question relating to the bonds that passed last month and why the City income tax monies aren't being used instead of passing all these bonds. She noted that there isn't any change down in the shopping center. She asked if the City really needs all the City cars including the Police cars that are parked in the parking lot noting that it costs a lot of money to maintain them.

Council Member Boose: Madam President, maybe someone from the Administration could address some of her comments, such as the Sports Center and provide any update on the Ridgeville Shopping Center. Perhaps the Auditor could explain the difference between the BANs and the income tax.

President Butkowski: I was going to ask the Mayor if he would like to respond to that at this time or if he would like to wait and answer all these questions during his report.

Mayor Gillock: I will try and answer those that I can recall. As far as the YMCA, we did have

discussions with them. We were not willing to commit to spending six million dollars in tax payer monies for a minor league baseball park, which is part of that entire project. We do have other things in the works. We are continually meeting with businesses and talking with them. The sports project is still underway. We have appropriated the money. We are meeting with the developers to put in ten softball fields. They'll have five indoor basketball courts. We are also meeting with the soccer people including Brad Freedle to put soccer fields on that location.

Helen Hill: I haven't seen any progress on any of this.

Mayor Gillock: These things don't happen over night. They are working.

Helen Hill: They should have been happening all this time.

Mayor Gillock: I'm sorry Mam, they shouldn't be happening yet, because we have to be assured that we have the proper guarantees. For example, on the Softball World project, we have a partner in that and we aren't going to spend two million dollars until we are assured that, that partner is going to participate in the way he said he would. We are working with his lawyers right now to negotiate that contract. As far as we know, Softball World will be playing there next year. In fact, that is a 67-acre site and we have raised the level of that site by two to three feet with the dirt that we have been hauling in. If you watch the site, then you will see things that are going on. There is a lot of things that are going on. They do move slow. You'd like to see more things happen a little faster, but they are in progress. I'll let Auditor Costin speak regarding the bonds.

Auditor Costin: The subject is quite complicated, but probably the best way to simplify it is this. When we buy our homes, we typically have to finance those over a long period of time. When the City puts in the infrastructure, the City has to do the same thing; just as we cannot afford to buy a house, we finance it over 30 years. Typically, when we put in the infrastructure, such as streets, sidewalks, sewers and waterlines, we finance those over a period of time and typically 20 to 25 years is what the City uses to pay off those BANs. Most of the time we like to identify a source of revenue when we issue those BANs and for some things that are absolutely necessary such as equipment, snow removal equipment, that we can't afford to pay cash for at the time, but we know we absolutely need it; and in Council's wisdom they approve the acquisition of that type of equipment. We can also issue BANs for those, but those have a shorter life and we typically pay those off over five to ten years.

Helen Hill: Is that what the City income tax is for?

Auditor Costin: The City income tax typically hasn't been used to pay off the BANs. It could. When we have street projects, we typically pay those off by our street levy or other street funds. We do pay off some of our BANs through capital projects, which is indirectly a use of the City income tax funds.

Helen Hill: What about all these City cars? What do we need all those City cars for?

Auditor Costin: I can't answer all those questions. I don't think anyone here can.

Helen Hill: Well, I know but it seems like there a lot of cars there and for what, City employees?

Mayor Gillock: Madam President.

Helen Hill: Do they use them all at once?

President Butkowski: Let the Mayor answer. He can answer this question regarding the cars.

Mayor Gillock: On the Police cars, we took a look at that a long time ago and even before I was Mayor. We instituted a support car program, where we found that it is less expensive to the tax payers to use a support car program where each Officer has a car assigned to him. His equipment and his gear is in that car. If he lives in North Ridgeville, we encourage him to take that car home and have it in his driveway because it acts as a deterrent in the neighborhood. I instituted a policy that if you do not live in North Ridgeville, you cannot take that car home for a couple of reasons. Today, it's a good idea just because of the cost of fuel. There were some liability issues also, in which I didn't want the cars leaving the City. We found that it is less expensive to buy this car, assign it to an Officer, let him use it and take care of it and it will last several years as compared to what we call fleet cars, where you buy a car and everyone uses it. The car would then be used from shift to shift and those cars wear out so fast, you are continually buying new cars. One of our Policemen, who has since retired, did his graduate study thesis on doing a comparison of these and we do have pretty good documentation that this program is working. You do see cars sitting out there, but those cars are used primarily by those Officers who live out of town.

Helen Hill: What about these City cars that are sitting out there?

Council Member Corcoran: Madam President, point of order.

President Butkowski: Your three minutes are up. Those questions can be answered after the meeting and if you stick around, someone could answer those questions for you.

Helen Hill: I was worried about these places that we are letting get by.

President Butkowski: We have to end your three minutes.

Mayor Gillock: Madam President, her three minutes are up, but I'll try to answer one more question for her. The cars that you see over here in the parking area are assigned to our Building and Engineering Departments. Those are our Inspectors that perform zoning inspections, new construction permits, etc. The ones that are marked B1, 2, 3, 4, and 5 are the Building Department cars and the Es are the Engineering cars. We have six people in the Building Department and five or six people in the Engineering Department.

Helen Hill: They are all on the road at the same time?

Mayor Gillock: Yes, they are all on the road at the same time during the day.

Council Member Boose: Madam President, I would normally ask to allow the lady for another three minutes, but I think she needs more than an additional three minutes to answer all the questions she has. I'm sure that if she came during the day, the Administration would be more than happy to go over the list of questions that she has and give her the best answers that they could.

President Butkowski: I think we are going to have to continue on with our meeting and we can have more of a conversation tomorrow or after the meeting, please. We have to move on. Is there anyone else that has a question here tonight?

3) Carrie Shroth of 33941 Lorain Road spoke regarding the construction that is taking place on Lorain Road. She asked if Council received a copy of the memo that was received by the

home owners. She noted that they received a memo from Tri Mor Construction in their mail box stating that they were losing access to their driveways for three weeks. They were asked to ask their neighbors if they could park in their driveways during the three weeks. She stated that her husband called the Assistant Engineer today and he told them that they are out of luck and there is nothing they can do, that they are out of their driveway for three weeks. She asked where she should go to get some help and assistance.

Safety-Service Director Johnson: I've brought that up with the Engineering office today and we're going to sit down with the contractor to try and work something out. This whole project started with the directive that residents and the businesses need access to their property. We'll find some way of doing that.

Carrie Shroth: I'm okay with a day or two, but three weeks is a little bit much. Can you imagine carrying your groceries across the street for three weeks? When they cut the other side of the street, it was like this high, that you had to crawl in and out the other side. It seems silly, but it's a reality. My son has to cross to get on the bus. If something happens would emergency vehicles be able to get to the house?

Safety-Service Director Johnson: Understand, there will be some inconvenience, but we are trying our best to make it as minimal as possible. I did not see that letter until today.

Carrie Shroth: They only gave us one day's notice, that we had to have our cars out by 7:00 the next morning.

Safety-Service Director Johnson: We're not happy about it either. We are talking to the Engineer Department and the Contractor.

President Butkowski: Thank you. Who else would like to speak?

4) Linda Pepin of 33101 Sandpiper Court spoke here concerns about getting another grocery store in this City. She stated that there is only one real grocery store in this City. She would like to see a more economical store come in and Giant Eagle is certainly not an economical store.

President Butkowski: Thank you very much Mrs. Pepin and I'll ask the Mayor if his economic development includes a new grocery store in North Ridgeville.

Mayor Gillock: Since Tops Store closed, we've contacted every grocery store we could think of and several of them have been out here and looked around. The way the economy is right now, most of them are not expanding. Although, we do have right now, an application from Carnegie Management going through the planning process to expand the building where Ace Hardware is located with the intention of adding a grocery store in there. I don't know exactly who it is, but there should be a discount type grocery store coming soon at that location.

President Butkowski: Is there anyone else that would like to speak tonight? Seeing none, we'll continue on to our Administrative reports. Mayor Gillock, do you have anything else?

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you, Madam President. I have a very short report this evening. I would like to let everyone know that in spite of the rain, Pride Day went very well on Saturday. The Shred-It truck was here from 10:00 A.M. until 1:00 P.M. and we thought we were going to have to call out another truck. 8,220 pounds or over four tons of paper was shredded in those three hours by our residents with the very appreciated help of President Butkowski, Chief Deputy Clerk Paula Cope, Sergeant Matt Gorski and our Explorers. 220 vehicles visited and dropped off papers to be shredded. We thank all of you for making it such a success. That concludes my report.

President Butkowski: Thank you, Mr. Mayor. That was a fun day to work there. Everyone was very appreciative of that shredding equipment. Save your papers for next year and all your other goodies you want shredded. Mr. Johnson?

B. Safety-Service Director:

Safety-Service Director Johnson: Thank you, Madam President. I want to join Mayor Gillock in thanking all who volunteered during Pride Day on cleanup and beautification projects throughout the city. A special thanks to all that enjoyed the pancake breakfast and to the Firefighters that did the cooking and serving. About \$600 was raised and will be used to help fund worthy Senior Center Projects.

Memorial Day is next Monday, May 26th, a day when we honor those that died in service to our great country. North Ridgeville Lions are once again sponsoring our annual Memorial Day Parade. The parade starts at Marc's parking lot at 10:00 A.M. and travels west on Center Ridge to the Middle school where a ceremony will begin at 10:45 A.M.. All are welcome both along the parade route and at the ceremony. Be sure to take a moment on this solemn day to consider the high price of freedom and those who readily paid that price.

That concludes my report.

President Butkowski: Thank you, Mr. Johnson. We'll move on to our Auditor, Mr. Costin.

D. Auditor:

Auditor Costin: Thank you, Madam Chairman. Council should have already received the written report for April and I have no other comments.

Auditor's Written Financial Report for April 2008

 moved by Boose, seconded by Buescher to approve the Auditor's Written Financial Report for April 2008

President Butkowski: Is there any discussion? Please call the roll, Clerk.

 Yes, 7 No, 0

Clerk of Council Farrell: Vote is seven, zero, Madam President.

President Butkowski: We'll move on to other reports.

E. Other Reports:

President Butkowski:

Building Department Report for March 2008;

Mayor's Court Report for April 2008;

OM Public Sector Solutions Monthly Report dated April 30, 2008;

Public Water System Operation Report for April 2008;

Fire Department Report for April 2008; and

Also, we have Paula Cope, our Assistant Clerk of Council was nominated by Mayor Gillock for the Municipal Clerk's Honor Roll 2008 in appreciation for outstanding and dedicated service.

Congratulations Paula. We'll move on to the Planning Commission Report to Council. Clerk, please read the report.

Clerk of Council Farrell:

Planning Commission Report to Council to regular meeting May 13, 2008

APPLICANT: Joseph Almady, Sugar Chestnut LLC, 1050 Terminal Tower, 50 Public Square, Cleveland, OH 44113

OWNER: Same

REQUEST: Final cluster site plan approval, Block "W" now known as Waterside Place in Waterbury Subdivision No. 4; Waterside Place, Phase 1

LOCATION: Fronting Terrell Drive in a PCD District
Permanent Parcel No. 07-00-037-000-070

PC ACTION: Approved by a vote of 5-0

 moved by McLaughlin, seconded by Olesen to approve

President Butkowski: Is there any discussion? Clerk, please call the roll.

 Yes, 7 No, 0

Clerk of Council Farrell: Vote is seven, zero, Madam President.

APPLICANT: John Crook, Ridgecar Company LLC, 27500 Detroit Road, Suite 300,
Westlake, OH 44145

OWNER: The Schumacher Company, 412 Lake Avenue N.E., P.O. Box 676,
Massillon, OH 44648

REQUEST: Approval to renovate existing “Ridgeville Center” by altering storefront
facade, site improvements and adding a 1,637 square foot building onto
the back of the center.

LOCATION: 35111 Center Ridge Road in a B-3 District
Permanent Parcel No. 07-00-021-119-064

PC ACTION: Approved by a vote of 5-0
 moved by McLaughlin, seconded by Olesen to approve

President Butkowski: Is there any discussion?

Council Member McLaughlin: Madam President, this is the Ace Hardware store that the Mayor
was speaking of.

President Butkowski: Is there any other discussion? Clerk, please call the roll.
 Yes, 7 No, 0

Clerk of Council Farrell: Vote is seven, zero, Madam President.

APPLICANT: John Lateulere, AICP, Atwell-Hicks, 30575 Bainbridge Road, Suite 180,
Solon, OH 44139

OWNER: Central North and Central South, 3320 Stoney Ridge Road, Avon, OH
44011

REQUEST: Preliminary site plan approval for a single family detached and cluster
development to be known as North Ridge Pointe Subdivision

LOCATION: Between Stoney Ridge Road and Avon Belden Road in an R-1 District
Permanent Parcel Nos. 07-00-030-000-076; 07-00-030-000-075; 07-00-
030-000-081; 07-00-030-000-129; 07-00-030-000-094; 07-00-032-000-
120; 07-00-032-000-014; 07-00-029-000-001; and 07-00-032-000-003

PC ACTION: Postponed until the next regular meeting 5-0

APPLICANT: Jim Enger, John Schadl, Enger Construction, 7445 Mentor Avenue,
Mentor, OH 44060

OWNER: Enger Properties Mansfield, LLC, 9668 Creawood Street, Waite Hill, OH
44094

REQUEST: Approval to construct a retail tire and automotive service building

LOCATION: North side of Center Ridge Road; 150 yards west of Route 83 in a B-2
District
Permanent Parcel No. 07-00-028-102-047

PC ACTION: Approved by a vote of 3-2
 moved by Corcoran, seconded by Jaenke to approve

President Butkowski: Is there any discussion?

Council Member Buescher: Madam President, when this request first came to Planning Commission two meetings ago, there were several property owners who spoke out against having a tire center located in the area designated as the Town Center which is located within the designated area in our City's Master Plan, also known as the Historic Preservation District between route 83 and Race Road. This Town Center area is the critical crossroads of the City where two major highways intersect. This Town Center area, as located in a large circle on the Master Plan map, encompasses the area and beyond where the proposed tire center would be located. This is also in the area where the original "City" was located. The Safety Service Director in his report to the Planning Commission questioned whether this type of business is the best use of the property for this location in our City. The owner of a few adjoining properties at the northwest corner of Center Ridge and Avon Belden Road stated that he has turned down offers to sell the property based on what he considered to be not the best use of the land or in the best interest of the development of the City. Questions were raised about the Cottages at Savannah where residents have been led to believe that the Town Center would evolve into a shopping area to their advantage. The property in question is located directly across from the Historic Olde Town Hall and the recently constructed Fire Museum. A resident questioned the wisdom of placing a tire center at that location because of the Town Hall Theater and its desire to attract patrons. The City recently purchased the property at the southwest corner of Center Ridge and Avon Belden Road, where a clock tower has been proposed in keeping with the colonial architectural theme which is mandated in the B-5 district of the City, which is also located within the Historic Preservation area. The City appears to be working to achieve half a goal, while permitting an "anything goes" attitude across the street within the same district. We can't go forward if we don't stay alert. Others in attendance at the last two Planning Commission meetings and phone calls and conversations from residents to some Council Members, have echoed the same concerns. One of the specific goals of the Master Plan for our City is for A. "the creation of a Town Center at this intersection of Center Ridge and Avon Belden Road." The intent is "for the protection of the historical qualities of the original City." The Master Plan states that the Heritage Preservation District between State Route 83 and Race Rd. is to "Preserve architecture of homes and structures such as Olde Town Hall and Congregational Church. Future buildings must conform." B. "Town Center at State Route 83/20. Specialty shops, brick paths, green space, walking trails, trees, flowers, a community building for community care with meeting rooms, etc., all supported by age restricted housing. Town Centers in other cities, like Strongsville at routes 82 and 42, like Avon in their French Creek District, or town squares in many cities throughout Ohio, Elyria, Wellington, Oberlin, Hudson etc. do not have businesses like tire Centers in these central, critical locations. An announcement was recently made that the Master Plan will be updated. The idea is ludicrous considering that many, many hours were spent working on the present Master Plan only to see it totally ignored in one of the most, if not the most, critical areas of our City. What should be to the chagrin of all, we continue to develop in keeping with the negative reputation for which the City is known. Benjamin Franklin said that

the definition of insanity is doing the same things over and over while expecting different results. There is no plan, no vision, no sense of aesthetics to make those proud who live here now or to attract those who would otherwise desire to make this their home. I cannot and will not support a new Master Plan or promote the use of taxpayer money for a new plan which could have the tendency to enhance the needs of the few at the expense of the many, as is already indicated because our existing plan is being ignored at its most fundamental level. Madam President, two of five Planning Commission Members voted no to this proposal and a third questioned the appropriateness of the use of the property for this type of business in this area. We have a serious responsibility as legislators and administrators to develop a sense of purpose and direction for this City. I ask Council to vote no to this Planning Commission recommendation. A quote from page 1-1 of the Master Plan reads as follows: "Remember, the choices we make today will shape the community we share tomorrow." Thank you.

President Butkowski: Thank you, Mrs. Buescher. Is there any other discussion?

Council Member Olesen: Yes, Madam Chairman. I would just like to ask if this group, that is sponsoring this project, made any contention to having a western reserve style.

Council Member McLaughlin: They had a picture. I don't remember any discussion pertaining to that.

Council Member Jaenke: Madam President, I also have a question. This is the Goodyear store correct?

Council Member McLaughlin: Correct.

Council Member Jaenke: How many jobs did they indicate they would bring to the City?

Council Member McLaughlin: I don't remember that being asked either.

President Butkowski: There was nothing in the minutes that said how many jobs.

Council Member Jaenke: Typically, with places like Conrad Tire and the Goodyear Tire stores, the employees are tech people and those folks make a pretty good dollar. I guess what I'm thinking of is that one, this is a B-2 District and not B-5. We are trying very hard to get business in town. The one percent sales tax was mentioned earlier. I think we have an obligation to think through in terms of good paying jobs, income and revenue for the City.

President Butkowski: Is there any other discussion?

Council Member Corcoran: Madam President, I have a couple of questions for the Law Director. This is B-2 zoning and I am assuming that a tire store is allowed in a B-2 zoning.

Law Director Crites: It's an assumption that we both have to make, but I think it is a correct one.

Council Member Corcoran: If they meet the zoning classification, do we have any legitimate reason to deny them from a legal standpoint.

Law Director Crites: Let me try to break it down to its simplest question. If the use falls within the defined permitted or conditional uses of the zoning class, then we would have legal difficulty in denying them. That is the use. What I impose upon Council is to look at the issue broader; that there is a lot of things that you as Council and Planning Commission can affect take into consideration, such as, the valid points made regarding the Master Plan; other than the use and that is the nature of the structure. I guess maybe, I have expounded more than you asked. If the

use fits, I think that the City would be best advised to look upon it, that basically it has a gateway to come in.

President Butkowski: Is there any other discussion?

Council Member Boose: Madam President, I listened with interest to Councilperson Buescher and issues with the Master Plan, the location in the Historic Preservation District and wonder why a B-2 zoning is in that area. I just don't see why that is. However, it is what it is and since it is there, it is difficult to say no. You can't build something that legally you are allowed to build and I think that we need to do all we can, as Councilperson Jaenke had indicated, to bring jobs to our City. However, I do think that in being true to the intent of the Master Plan and the Historic Preservation District and whether it be the best use of the land, that I think that we could make sure that the building and structures that they do build are compatible within that district. Perhaps, we can ask that this go back to Planning Commission so that they can take another look to see what other things they might be able to encourage Enger Properties, Mansfield LLC to include in the project. For example, I believe on the east side of the project opposite the bays, that there is no screening. Although, there is some, I believe, at the rear of the property to the north and quite well landscaped. I have to say, I have been at the Planning Commission meetings and Enger Properties, Mansfield LLC has given a good presentation and they seem to be willing to work with the City and they have been very successful at what they do. I would think that I would like to see something a little bit more fitting within the District, though, if it is a retail tire automotive service building; so be it. I just think it needs to be more part of the District look.

President Butkowski: Mr. Boose, are you making a motion to send it back to Planning Commission or are you suggesting it?

Council Member Jaenke: Madam President, I have just one more question. Maybe this would be for the Law Director. Do we have any specifics in the B-2 zoning that would stipulate a certain design, such as western reserve design or early American design? Is there anything specifically in the B-2 ordinances that would direct the Planning Commission to insist that the design be early American or more western reserve?

Law Director Crites: Frankly, I would probably beg that the question would be best answered if I had an opportunity to take a look at our B-2 ordinance, which may come as a shock to all of you, that I have not memorized. That being said and not being sarcastic, Councilman Jaenke, more than likely, any such directive would appear in the preamble of that ordinance and not within a specific mandate. What we would be looking at and again, I have always been somewhat of a proponent of the power of Planning Commission, is more that Planning Commission just impose, as a policy measure, the general directives of the Master Plan. I think the simplest answer to your question is I'd like an opportunity to review it, but I don't believe there is a specific mandate.

Mayor Gillock: Madam President, first I do not believe that Council has the prerogative of sending it back to Planning. They have voted and passed it and having been through this a number of times, we've always been told that once they have approved it, you can't send it back to them. The pictures that they brought in showed a red brick building. I'm not sure how you

would define western reserve or Georgian Architecture and technically what they might be. However, the pictures showed a red brick building with a peaked roof on it, which is somewhat along those lines. As far as Mrs. Buescher's comments regarding the Town Center and the Master Plan; I agree with most of what she is saying, however, the Master Plan, when it identifies that area as a Town Center, they drew a circle around that intersection. That circle has no dimensions. It just says this area should be considered as a Town Center. It doesn't say this parcel or two parcels or three parcels. This particular parcel is quite far from the intersection. At the intersection, you have the dry cleaners, an antique shop, another antique shop, then a vacant lot, then a flower shop, and then this lot. So, it is not right at the intersection. It is zoned B-2, but there is the Heritage Preservation District, so I think we do have the wherewithal to try and make them construct a building that follows that flavor; whatever that might be. However, I think legally, they have a right to build there.

President Butkowski: Thank you. Is there any other discussion?

Council Member McLaughlin: Madam President, as part of my job, I guess, is that I sit on Planning Commission. It is my job, I would assume, to not just plan for what I see in front of me, but for what we have in the future. To have the Olde Town Hall, our former City Hall, our center of our town many years ago, be right across the street from a tire center is just absolutely insane for me. God forbid that a reputable Goodyear Tire Center doesn't make it and Joe's Tire Center takes over there. I don't have a crystal ball, but we just tore down a gas station that has been recycled probably 25 years of my life that I remember at the corner of 83 and Center Ridge. I just can't see putting a tire center in there. There is an old house right next door to it. Right across the street is the fire museum and right across the street is Olde Town Hall. It just doesn't fit in there. If it were placed in any other place in the City, other than right there, I wouldn't have this problem. This just bothers me to see it going right there. I just don't think that is a good place for it and I think it is irresponsible if we go ahead and do that. In saying that, I also don't understand if we are going to go ahead and say, you know what, whatever goes, goes and then turn around within the next six months or so when OEM comes back with their Master Plan and all of a sudden we are going to go diving into another Master Plan. To me, if we ignore this right here, it is a moot point as far as asking me further down the line about any other Master Plan. If we are going to start sticking to the center of our town and the most important part that I feel that we have in our City right there at those cross roads, then to come back to me with another Master Plan is a waste of my time. That is just how I feel.

Council Member Buescher: Madam President, I have one question. With the company that is working for us, aren't they aware of anything that is coming forward in being proposed in this City so that they could give an opinion also. I am referring to Value Place and now with the location of this tire center. I think that they should have some input or something into what is coming into this City to give us a little bit of assistance as far as economic development goes.

President Butkowski: Mrs. Buescher, are you talking about OEM?

Council Member Buescher: Yes.

Mayor Gillock: Madam President, first, that is not what we hired them for and that is not their

job. We don't ask them as to whether this should come or not and whether that is a good idea. That is not what we hired them for. We hired them to help us find new businesses and not to pick and choose which ones we think we would like. The second point I would like to make and I have heard it several times about being loose and just allowing things to happen as they may. That is Council's responsibility. You write the laws. You say what is permitted in a particular zone and what is allowed there with conditions attached. If they meet your rules and regulations then they should be allowed to build there. That is your responsibility. If you don't like what is permitted in there, you have the option in changing the ordinance or changing the zoning laws. Once you write them, you can't write them and then say here is our rules and regulations and then the first thing that comes down the pike say, well, I don't like that, that's not what I meant and I don't like it, so I'm not going to allow it. You write the rules so everyone needs to take that into consideration.

(Tape one, side A ends, side B begins)

President Butkowski: We have to live up to the Master Plan that we have in effect right now. Until the Master Plan is changed, I think its time that maybe, we look up and look over the zoning in our areas where we want to keep the preservation of our Town Center and possibly, change the zoning there, so this doesn't happen again. I don't think that we need a tire center. We have enough tire centers in this City now, but if someone else wants to come to town, I would invite them to do it, but not in the center of town where we have our Historic Preservation District and right across from our Olde Town Hall. Why bother making a plan if you're not going to follow it. Just like we have plans at home, if we don't follow them, then don't waste your time. There are other things that you could be doing with that time besides putting together a plan that you don't have any intention of following. I think we should be looking at our zoning in that area, if that is going to be affecting us like this. Mr. McLaughlin, it is your turn.

Council Member McLaughlin: Yes, just real quick, I wanted to respond to something that the Mayor said. Although, I do agree that this body is elected by the City and it is our ultimate decision. It does go to Planning Commission first, which is an appointed body from yourself. I just want to make sure that the part that is coming from them, there is only one member from this body that has a vote there.

Council Member Jaenke: Madam President, I would like to make another comment.

President Butkowski: Just a minute. You had two opportunities and some of the other ones haven't yet. Is there anyone else that hasn't spoken a second time that wants to speak.

Council Member Corcoran: I'll take my second time. Madam President, there is a lot of discussion about the Historic Preservation area of the City. The first comment that I have and it is more of a rhetorical question. If that was the intent of the City at that time, why wouldn't the City have changed the zoning to ensure that, that was going to happen. The Mayor makes a point. When you have rules, you have to follow the rules that you set out and you can't change the rules when you get something that somebody wants to put in there that you don't particularly care for. That is basically pulling the rug out from underneath somebody. That is not the way we should be doing business. If you don't like what is in that area, then we should have changed it a long time ago, but you don't leave an area designated as B-2, if you don't want B-2 in there. The

Historical District is an overlay District, which if something is going to be changed from its existing zoning, then it has to be changed to that designation. You can't sit there and say, you can't use the area as B-2 because we want to have this other thing in there. Change it to the other thing. That is the way it is suppose to work.

President Butkowski: Mr. Olesen, did you say you wanted to speak.

Council Member Olesen: Yes. I already asked about the Historical District aspect at this location and it is in a preservation district or close to it. We don't know exactly if it fits in there. If I had saw a picture right now that said that was western reserve style, I would say yes, I am in favor of it. I haven't seen that picture. I am on the fence with this right now. I am just waiting for someone to say something that I can hang my hat on.

Council Member Boose: Madam President, I'll take my second turn. Again, I'm not indicating that I agree, as a mentioned earlier, legally per our zoning, they can build this retail tire and automotive center. However, legally, as a City Councilperson, I have a right to expect them to live within certain guidelines within that ordinance and I believe, as I mentioned earlier, that I think that there should be some additional screening on the east side of the property and I would want to make sure that Planning Commission and the City can do everything they can to try and make that fit into that preservation area as best as possible. I am not voting against them coming to town or coming to that area. I just think they need to do it properly.

President Butkowski: Okay, Mr. Jaenke, everyone has had there second time.

Council Member Jaenke: I guess this is my third time or fourth time. Anyway, I just wanted to make a comment that it has been my understanding that the Master Plan is a tool and we should look at it as a tool. Whatever changes are ultimately made through recommendations of our Planning people, we still need to look at the Master Plan as a tool and again, I'm thinking of where the location is. It is far enough away from the intersection and quite frankly, on the other corner, there is a BP gas station and across from that gas station is a used car lot that looks like it is 100 years old. So, we really need to be thinking about jobs and revenue for the City, because at some point and time I think we all would agree that our one percent City tax, which came up is not going to do it. We need good paying jobs and Goodyear is a fine company and if they are going to go with a brick structure to make it more esthetic in terms of western reserve, then I really think we need to consider that.

President Butkowski: Thank you. Is there any other discussion? Clerk, could you please call the roll? The motion was made by Corcoran and seconded by Jaenke to approve.

Yes, 3 No, 4 (Buescher, Boose, McLaughlin, Butkowski)

Clerk of Council Farrell: Vote is three, four Madam President.

President Butkowski: Moving on to the next applicant.

Clerk of Council Farrell:

APPLICANT: David Livingston, Lear North Elementary School, 5580 Lear Nagle Road

OWNER: North Ridgeville City Schools, 5490 Mills Creek Lane

moved by McLaughlin, seconded by Buescher to approve
President Butkowski: Is there any discussion? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Farrell: Vote is seven, zero, Madam President.

T 41-2008 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: APPROXIMATELY 2.5 ACRES LOCATED ON THE NORTHWEST CORNER OF BUTTERNUT RIDGE ROAD AND ROOT ROAD, PERMANENT PARCEL NUMBERS 07-00-014-103-031; 07-00-014-103-032; 07-00-014-103-338 AND 07-00-014-103-030 (AS SHOWN BY LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE DISTRICT TO B-3 HIGHWAY COMMERCIAL DISTRICT AND OWNED BY DAVID J. FOX AND MANG HUNG WONG.

PC ACTION: Recommend Approval by a vote of 5-0

moved by McLaughlin, seconded by Corcoran to approve
President Butkowski: Is there any discussion? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Farrell: Vote is seven, zero, Madam President.

President Butkowski: Thank you. We have no Council committee reports tonight and we will move on to correspondence..

CORRESPONDENCE:

Clerk of Council Farrell:

- 1) Received from Jack Kilroy, Special Projects Coordinator, the report of the Tax Incentive Review Council on their review of the County Tax Increment Finance Agreements relating to Walgreen's and Topps

President Butkowski: We have no old business tonight. We'll move on to new business.

NEW BUSINESS:

Clerk of Council Farrell:

T 67-2008 AN ORDINANCE AMENDING ORDINANCE NO. 2325-89 ESTABLISHING

AN APPLICATION FEE TO BE PAID BY PERSONS APPEARING BEFORE THE PLANNING COMMISSION OF THE CITY OF NORTH RIDGEVILLE, OHIO.

T 68-2008 AN ORDINANCE AMENDING ORDINANCE NO. 3445-99, PROVIDING FOR AN ADDITIONAL “PUBLICATION NOTIFICATION” FEE FOR MATTERS FILED BEFORE PLANNING COMMISSION.

T 69-2008 AN ORDINANCE AMENDING ORDINANCE NO. 2369-89 BY INCREASING THE SPECIAL PLANNING COMMISSION FEE.

T 70-2008 AN ORDINANCE AMENDING ORDINANCE NO. 2828-94 RELATING TO FEES FOR APPEALS FROM DECISIONS OF THE BUILDING INSPECTOR.

T 71-2008 AN ORDINANCE AMENDING ORDINANCE NO. 3106-95, PROVIDING FOR AN ADDITIONAL FEES FOR MATTERS FILED BEFORE THE BOARD OF ZONING AND BUILDING APPEALS.

T 72-2008 AN ORDINANCE AMENDING ORDINANCE NO. 3663-2001 ESTABLISHING A BOARD OF ZONING AND BUILDING APPEALS SPECIAL MEETING FEE.

T 73-2008 AN ORDINANCE AMENDING CHAPTERS 1468 AND 1423 REGARDING DOWNSPOUTS AND ABC/PVC PIPES.

President Butkowski: I WILL REFER THIS TO THE BUILDING AND LANDS COMMITTEE.

T 74-2008 AN ORDINANCE ACCEPTING CERTAIN PROPERTY AND DEDICATING IT TO PUBLIC USE.

President Butkowski: I WILL REFER THIS TO THE PLANNING COMMISSION.

T 75-2008 A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO APPLY TO THE OHIO DEPARTMENT OF DEVELOPMENT FOR FUNDING UNDER THE OHIO SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT COMMUNITY DEVELOPMENT PROGRAM FOR FISCAL YEAR 2008.

moved by Mayor Gillock, seconded by Olesen to give T 75 its first reading this evening as we have a deadline of June 27 to get this filed

President Butkowski: Is there any discussion? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Farrell: Vote is seven, zero, Madam President.

RECESS:

 moved by Boose, seconded by Jaenke to dispense with recess tonight
President Butkowski: Is there any discussion? Please call the roll.

 Yes, 7 No, 0

Clerk of Council Farrell: Vote is seven, zero, Madam President.

President Butkowski: We'll move on to the First Readings.

FIRST READINGS:

Clerk of Council Farrell:

T 30-2008 AN ORDINANCE AMENDING NRCO SECTION 1056.07(E) OF CHAPTER
1056 CONSTRUCTION SITE SOIL EROSION, SEDIMENT, STORM WATER
RUNOFF AND STORM WATER QUALITY CONTROLS AND
REGULATIONS BY SETTING LOT AREA PARAMETERS WHICH
TRIGGER THE REQUIREMENT THAT STORM WATER DETENTION BE
PROVIDED FOR NEW CONSTRUCTION, BUILDING ADDITIONS OR RE-
DEVELOPMENT.

First Reading

T 38-2008 AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE
ESTABLISHMENT OF PCD'S IN THE CITY OF NORTH RIDGEVILLE.

First Reading

President Butkowski: I WILL REFER THIS TO THE PLANNING COMMISSION WITH A
PUBLIC HEARING SCHEDULED FOR JUNE 16 AT 7:20 P.M.

Council Member Buescher: Madam President, I would like to make a comment on what I think is
ridiculous, that this is being handled as a zoning issue. The purpose of a moratorium is to stop
immediately, any action of anyone making a proposal at Planning Commission for an issue to go
forward so that the City can take a look at things. This is being spread out over several weeks
and totally eliminates the purpose of having a moratorium. Even though there are some
arguments because of the way our Charter and legislation is written, it is just absolutely
ridiculous. Other cities pass moratoriums on emergency. Thank you.

President Butkowski: Thank you, Mrs. Buescher. I can defer this to the Law Director but
unfortunately, I think this is in the Charter.

Law Director Crites: I would agree with the fact that unfortunately; although it does seem
arduous, we are bound by the language of the Charter. It has to get its three readings and it can't
be passed by emergency. It needs to also go to Planning Commission.

Council Member Buescher: Madam President, my question to the Law Director is once there will be a change, if there are any changes made, if a decision is made; then it becomes a zoning issue, in my opinion. I don't understand how it can be a zoning issue at this point.

Law Director Crites: Both in the mandatory referral section 8.8 and earlier under Council procedure section 3.12, the same words that are stated are that, if the matter pertains to zoning; I don't want to show our hand completely if we ever did end up in litigation, which it doesn't look like we are going to because we are taking the cautious route of having the full three readings. It is just really hard for me to see myself standing up in front of a Judge one day, if we push this thing through and we got sued by a developer that said that we violated our Charter and the Judge asks me, Mr. Crites, does not a moratorium which purports to stop construction of anything in one zoning classification, does not that ordinance pertain to zoning? I'm having a hard time coming up with a no. As a consequence, my advice to the City is, fortunately it doesn't seem like anyone is trying to push it through, that we are better off airing on the side of caution.

Council Member Buescher: Thank you.

President Butkowski: Let's move on to T 41.

Clerk of Council Farrell:

T 41-2008 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: APPROXIMATELY 2.5 ACRES LOCATED ON THE NORTHWEST CORNER OF BUTTERNUT RIDGE ROAD AND ROOT ROAD, PERMANENT PARCEL NUMBERS 07-00-014-103-031; 07-00-014-103-032; 07-00-014-103-338 AND 07-00-014-103-030 (AS SHOWN BY LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE DISTRICT TO B-3 HIGHWAY COMMERCIAL DISTRICT AND OWNED BY DAVID J. FOX AND MANG HUNG WONG.

First Reading

T 75-2008 A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF NORTH
1136-2008 RIDGEVILLE, OHIO, TO APPLY TO THE OHIO DEPARTMENT OF DEVELOPMENT FOR FUNDING UNDER THE OHIO SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT COMMUNITY DEVELOPMENT PROGRAM FOR FISCAL YEAR 2008.

First Reading

moved by Mayor Gillock, seconded by Olesen to dispense with the second and third reading

President Butkowski: Is there any discussion? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Farrell: Vote is seven, zero, Madam President.

moved by Boose, seconded by Olesen to adopt

President Butkowski: Is there any discussion?

moved by Mayor Gillock, seconded by Olesen to add the emergency clause in order to file this in a timely manner with the State

President Butkowski: Please call the roll on the emergency.

Yes, 7 No,

Clerk of Council Farrell: Vote is seven, zero, Madam President.

President Butkowski: Motion was made by Boose and seconded by Olesen to adopt T 75 with the emergency. Is there any discussion? Please call the roll.

Yes, 7 No, 0

Clerk of Council Farrell: Vote is seven, zero, Madam President and becomes permanent resolution number 1136-2008.

Permanent Resolution No. 1136-2008

President Butkowski: Thank you and we'll move on to the second reading T 46.

SECOND READINGS

T 46-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH JOHNSON CONTROLS, INC. IN THE APPROXIMATE AMOUNT OF \$448,000.00 FOR THE DESIGN, DEVELOPMENT, AND IMPLEMENTATION OF THE WATER METER PROJECT.

Second Reading

President Butkowski: We'll move on to third readings. The first one is T 33.

THIRD READINGS

T 33-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
4536-2008 AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE ELIMINATION OF THE SCHNEIDER PUMP STATION, NOT TO EXCEED \$200,000.00.

Third Reading

moved by Boose, seconded by Buescher to adopt

President Butkowski: Is there any discussion?

Council Member Boose: Madam President, this project will be funded through BANs that we approved under T 55-2008. It was also, obviously, approved in appropriations.

President Butkowski: Is there any other discussion?

moved by Mayor Gillock, seconded by Boose to add the emergency clause due to

the health, safety and welfare of the residents in that area to complete this as soon as possible

Mayor Gillock: For additional information, the Schneider Lift Station is in dire need of repair and estimates have been over 400,000 dollars and so, not only are we getting a much more reliable system, in the long run, we are saving tax payer dollars. We want to get this done as soon as we can.

President Butkowski: Thank you, Mayor Gillock. Mr. Gillock is correct. There has been some problems down there for many years including flooding. Everyone will be happy when that plant is shut off. The motion was to add the emergency. Is there any discussion? Clerk, please call the roll on the emergency.

Yes, 7 No, 0

Clerk of Council Farrell: Vote is seven, zero, Madam President.

President Butkowski: A motion was made by Boose and seconded by Buescher to adopt T 33 with the emergency. Is there any discussion? Please call the roll.

Yes, 7 No, 0

Clerk of Council Farrell: Vote is seven, zero, Madam President and that will be permanent ordinance number 4536-2008.

Permanent Ordinance No. 4536-2008

T 37-2008 AN ORDINANCE ACCEPTING 588 SQUARE FEET OF PERMANENT
4537-2008 PARCEL NO. 07-00-028-101-053 ON THE NORTHWEST CORNER OF THE
CENTER RIDGE ROAD AND STONEY RIDGE ROAD INTERSECTION AND
DEDICATING IT FOR PUBLIC PURPOSES.

Third Reading

moved by Buescher, seconded by Corcoran to adopt

President Butkowski: Is there any discussion?

moved by Mayor Gillock, seconded by Olesen to add the emergency due to the health, safety and welfare of the residents

Mayor Gillock: The sooner we can get a light up at that intersection, the safer it will be.

President Butkowski: Is there any other discussion on the emergency? Please call the roll on the emergency.

Yes, 7 No, 0

Clerk of Council Farrell: Vote is seven, zero, Madam President.

President Butkowski: A motion was made by Buescher and seconded by Corcoran to approve with the emergency. Is there any discussion? Please call the roll.

Yes, 7 No, 0

Clerk of Council Farrell: Vote is seven, zero, Madam President and that will be permanent ordinance number 4537-2008.

Permanent Ordinance No. 4537-2008

COMMITTEE MEETING ANNOUNCEMENTS:

President Butkowski: Our upcoming meeting announcements:

Next Regular Council Meeting Monday, June 1, 2008 at 7:30 P.M. in Council Chambers

Public Hearing July 7, 2008 at 7:15 P.M. re T 41-2008 rezone from R-1 to B-3 northwest corner of Root and Butternut Ridge Roads

Public Hearing July 7, 2008 at 7:20 P.M. re cluster site plan for Waterside Place in Waterbury Subdivision #4, Waterside Place Phase 1

Also, don't forget the Memorial Day Ceremony starting at 10:00 A.M. at Marc's and 10:45 A.M. at the High School Football Field.

ADJOURNMENT:

 moved by Corcoran to adjourn

Meeting adjourned at 8:47 P.M.

MOTION _____ Jaenke _____ 2ND _____ Olesen _____ DATE _____ June 2, 2008 _____

YES _____ 7 _____ NO _____ 0 _____ ABSTAIN _____ 0 _____