

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JUNE 16, 2008**

CALL TO ORDER: 7:30 P.M.

President Butkowski: I'd like to call the regular meeting, Monday, June 16, 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, Law Director Andy Crites, Safety-Service Director Denny Johnson, Engineer Larry Griffith, Auditor Chris Costin and Assistant Clerk of Council Paula Cope

MINUTES - Corrections (if any) and Approval:

Council Minutes of regular meeting held June 2, 2008

moved by Jaenke, seconded by Olesen to approve

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

Yes, 7 No, 0

Assistant Clerk of Council Cope: Minutes have been approved by a vote of seven to zero.

President Butkowski: Please note the:

Planning Commission Minutes of regular meeting June 10, 2008 and special meeting June 10, 2008

President Butkowski: We'll move on to our 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. That will allow us to get back to you, if necessary. Please give your name and

address. We will have no interaction tonight. All questions will be answered after the meeting or you will be contacted later. You will have three minutes to address your Council

1) Bruce Rinker, Attorney At Law, Mansour, Gavin, Gerlack & Manos Co., LPA, 55 Public Square, Suite 2150, Cleveland, Ohio representing Jim Enger/Goodyear Tire property located at 36100 Center Ridge Road. He referenced an opinion letter that was sent to the City's Law Director on behalf of Enger Properties. He stated that they appreciate Council's concern for any new development, especially in an area that is within the heart of town. He stated that the fact is the City's zoning provides for this type of use. He noted that Mr. Enger did his due diligence here and explained what steps Mr. Enger took to get his application approved and asked that Council take this under consideration.

2) Bob Slovak, 7145 Case Road spoke regarding the Goodyear Tire application and went on to explain the history of businesses which were located in the town center 45 years ago. He noted that in 45 years no one has put anything of historical interest into that town center. He believed that past Administration zoned it as a business district and therefore precedence was set. He asked Council to vote in favor of this application, noting that the applicant is conforming to our zoning laws and if the City doesn't, they may face a possible law suit.

3) Jim Enger, owner of the property for Goodyear Tire, 9668 Creawood Forest, Waitehill, Ohio explained that he owns and operates 15 Goodyear Tire Centers throughout Ohio. He explained that he investigated 50 properties that were zoned similar to the property they found on Center Ridge Road. He continued to explain that once they found the lot, they built and designed the building to fit on that lot and that they did everything by the book within that permitted use in order to meet the legal and conforming manner for the City. He asked Council to consider his application to allow him to move forward with his project.

President Butkowski: Thank you. Is there anyone else that would like to speak? Hearing none, we'll move on with our meeting. Under Administrative reports we'll begin with the Mayor, Mr. Gillock.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you, Madam President. Tonight I have an opportunity to recognize four young gentlemen. Could you come up here, please? Bobby Johanson, Greg Knechtges, Carl and David Sadowski. When we first met these young men, they came into our office and explained to me what they were doing. They are fund raising for a trip they wanted to take. They are Lego experts. They have entered Lego competitions around the state and they have been very successful and some of that is described in the proclamation I want to give them. They have

earned several second, six, and third place awards and have been doing this for a couple of years. As a result of the competitions that they have won, they had an opportunity to go to Minnesota for the Lego International Open. Is this the first one that they ever had? I didn't think so, but they had people arrive from all over the world there. They compete in problem solving, they are given certain activities that they have to be able to complete using a Lego kit, which has a computer in it and there are a lot of other different activities that they have to accomplish. These four young guys took on the whole world and won first place. We want to recognize them for that. We think that it is such a phenomenal job, that these young guys did, all on their own and they deserve some recognition. I'll cut this short, but I want to give a little bit of the details of the proclamation.

Whereas, team work and competition varies and is not only displayed on the football field and the baseball diamond, it can and was, proudly demonstrated by four teens at the LEGO League International Open; and their team is the "Team Quantum Bots", their robot was the "Quantum 3000 ME Robot". It was built by hand by these high tech wizards and was fashioned from hundreds of LEGO blocks equipped with electronic motors, moveable parts and is designed to perform a series of tasks related to the theme of "alternative energy"; and

Whereas, their project earned the team a rating of "Excellence" at the Wright State University competition against 48 teams across the State of Ohio and further afforded them a spot at the University of Minnesota, competing against nearly 70 teams from the US, Canada, Mexico, Iceland and South America in the High Tech Kids First LEGO League International Open; and

Whereas, Quantum Bots has scored extremely well in other competitions bringing home sixth and second place finishes at the 2006-2007 State Championship and placing third this year at the Ohio First League Robotics Championship.

These are just some really exceptional guys and we want to congratulate you for what you are doing and keep up the good work. I imagine that all of you will be engineers some day. Congratulations.

Two other quick brief things. If you are not aware, if you live that way and came this way, then you are by now, the rail road crossing at Root Road will be closed starting today through 5:00 p.m. Friday due to replacement and repairs of the rail road crossing resurfacing that is being done by Norfolk and Southern Rail Road. We had an option of doing it this week or over the fourth of July weekend and we decided this week in order to get it done.

moved by Mayor Gillock, seconded by Olesen to adjourn into Executive Session to discuss the purchase and selling of property after correspondence

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

Yes, 7 No, 0

Assistant Clerk of Council Cope: Motion has been approved by a vote of seven to zero.

President Butkowski: Thank you and congratulations on your award and I'm sure you guys will be our future. We're moving on to Safety-Service Director Denny Johnson.

B. Safety-Service Director:

Safety-Service Director Johnson: Thank you, Madam President. School is out again for the summer, but please be careful when driving. Please discuss pedestrian safety with your children. We again have a limited supply of yard signs that have proven effective in slowing traffic where children are playing. These signs were purchased with recycled grant funds and are made of recycled plastic. They are available at the Administrative Office at City Hall for anyone who feels that they could use them.

It is also the time of year for severe thunderstorms and tornados. The Lorain County Emergency Management Agency has weather radios available. These radios sit silently until an alert is issued and during an alert a warning tone is sounded along with information and instructions. These radios retail for 59.99. When purchased using the form provided by Emergency Management Authority, the cost is 35 dollars, which is a savings of 25 dollars. The forms and a link to the website describing them are available on the main City website and that is www.nridgeville.org.

Finally, a proposed ordinance has been left at each Council position. This proposal is for a meter service previously discussed in appropriations for French Creek for our master metering. We had intended to bring this to Council in weeks ahead, but we encountered an issue with the current meter system that leaves accuracy of the Sheffield meter in question. We feel it is wiser and more cost effective to speed this proposal up than it is to spend funds and manpower to correct the problem with the current meters in place. If Council agrees, we will need the proposal passed tonight with the emergency clause. The reason being is to ensure accuracy and reliability of our master meter readings. That concludes my report.

President Butkowski: Thank you, Mr. Johnson.

moved by Mayor Gillock, seconded by Corcoran to give that ordinance a T number and place it on the agenda under new business

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

Yes, 7 No, 0

Assistant Clerk of Council Cope: Motion has been approved by a vote of seven to zero and ordinance temporary number 91-2008 will be placed under new business.

President Butkowski: Thank you. We'll move on to Mr. Griffith, the Engineer.

C. Engineer:

Engineer Griffith: Thank you, Madam President. A river system is a network of branches that join each other to form what is called a watershed. Small headwater streams are the starting

points of the watershed. The Ohio EPA defines primary headwater streams as draining less than one square mile. Headwater streams flow through yards, farms, and forests to eventually form our rivers. Headwater streams are often overlooked or mistaken for low spots and homeowners frequently fill them in with topsoil, grass clipping and other debris. However, the quality of the water in the headwater stream affects the quality of the water in the river it flows into. Protecting headwater streams and their surrounding vegetation helps maintain water quality in our rivers. Headwater streams can filter, process, store and modify pollutants such as leaves, dead insects, soil sediment and polluted runoff, which wash into them before they reach our rivers downstream. Small headwater streams also absorb significant amounts of rainwater and runoff to help prevent flooding. Human modification to headwater streams reduces their flood carrying and storm water pollutant filtering capacity. Please remember to protect the headwater stream running through your yard. That concludes my report this evening.

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

D. Auditor:

Auditor Costin: Thank you, Madam Chairman. The only item of business I have this evening is the passage of the written May report that Council has already received.

Auditor's Written Financial Report for May 2008

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

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

Yes, 7 No, 0

Assistant Clerk of Council Cope: Auditor's Written Report is approved by a vote of seven to zero.

President Butkowski: Thank you.

E. Other Reports:

President Butkowski: Please note:

Building Department Report for April and May 2008;

Mayor's Court Report for May 2008;

Fire Department Report for May 2008;

Public Water System Operation Report for May 2008; and

Police Department Support Car Report for May 2008.

Assistant Clerk of Council Cope:

Planning Commission Report to Council of regular meeting June 10, 2008

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: Gary R. Fischer, Arkinetics, Inc., 201 ½ 5th Street, Lorain, Ohio 44052
OWNER: Rob Johnston, 36696 Sugar Ridge Road
REQUEST: Approval to construct an addition to an existing manufacturing building
LOCATION: 36696 Sugar Ridge Road in an I-2 District
Permanent Parcel No. 07-00-026-101-048
PC ACTION: Approved by a vote of 5-0 with condition that Board of Zoning and Building Appeals approves a variance required

moved by Jaenke, seconded by Corcoran to approve

President Butkowski: Is there any discussion?

Council Member McLaughlin: Madam President, I have one quick question. Is it standard procedure that, even before the Board of Building Appeals says whether or not they are approved, that we pass it through Council? Wouldn't it make more sense to wait to find out what they say?

President Butkowski: We do usually go through and approve the Planning Commission action, but they can't do anything until they go to the Board of Zoning and Building Appeals. We do not vote on anything that goes through to Board of Zoning and Building Appeals. This is the final thing for us to handle. It goes to them and they make a decision. Is there any other discussion?

Yes, 7 No, 0

Assistant Clerk of Council Cope: Motion has been approved by a vote of seven to zero.

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 Jaenke, seconded by Corcoran to approve

President Butkowski: Is there any discussion?

Council Member Jaenke: Madam President, I would like to ask Mrs. Buescher a question, if I may? If the Goodyear Store is built on the proposed site, do you feel that the value of your properties will increase or decrease in value?

Council Member Buescher: Mr. Jaenke, I will be abstaining on this vote this evening.

Council Member Jaenke: Thank you.

President Butkowski: Is there any other discussion?

Council Member Boose: Madam President, just a couple of comments. Again, I welcome Goodyear Tire Store to our community. I wish it was in a different location. I'm disappointed. I'm disappointed on a number of counts. I'm first disappointed that the lack of action of this Council and previous Council's, to make sure, that what was in the Master Plan to have a historic district, was not followed up by proper legislation to have the proper zoning in place to allow that to happen. I'm disappointed that after the first time it went through Planning Commission and then came to this Council that we had asked for some concessions as far as western reserve look and in fact in the Mayor's memo to City Council dated May 23, quote "this being returned to Planning, this will give the applicant an opportunity to better describe the facility, answer questions, allow Council members to request conditions that they feel important such as a more western appearance and perhaps buffering along the eastern property line." I brought up both of those request and concerns for conditions and both of those were not acted upon. I'm disappointed, that we had to look to potential litigation to solve this issue in regards to information provided by our Law Director, Mr. Crites. Over a half a dozen legal ~~precedence~~ *precedent* were given as to why this project, legally, needs to go forward. In correspondence received this afternoon from legal counsel representing Enger Properties, there is perhaps more than a dozen legal ~~precedence~~ *precedent* that indicate why Council needs to legally approve this. In my heart of hearts, I wish this was somewhere else, because I do believe; as was stated by a property owner on the corner of Route 83 and Center Ridge, that this particular site may prohibit others; perhaps, more appropriate businesses than what we might get because of the space now being taken by Goodyear. That is my heart of hearts and that is not what I'm entrusted to do. I am entrusted to abide by the law and follow the law and by over 20; by my count, legal opinions that tell me that this is appropriate for this area, that this has to be, there leaves little choice to what we could legally approve or deny in my opinion. I wish there was a legal opinion or two that I could have found that would show me otherwise, but I couldn't. Again, my disappointment is not that Goodyear is coming to town. Again, I welcome you. If I had my druthers, it would be somewhere else. As it may, you are legally allowed to be there and it is my hope that you do everything that you can that will make sure that it is an appropriate building. I hope that you do go back to your architect and have it somewhat meet the western reserve style that we would like, that the proper buffering be added; especially to the east, to protect the neighboring residents and

businesses and that you continue as you have shown this evening, to be a good corporate citizen. Those are my comments. Thank you.

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

Council Member Olesen: Yes, Madam President. We had Mr. Slovak come up and state the number of businesses that have been in those corners over the years; over the 43 years, I think he said and we always relate to the Master Plan. If you want something, you say it is okay in the Master Plan. If it is not okay, you say the Master Plan is being used as a flexible document. This goes back and forth and it has gone back and forth for years. I look at that corner and have asked people what should we save at that corner? No one has come up with anything except for the old town hall. That is it. From my standpoint, this is a great business to have come into our City. It is what we have been trying to do for the years that I have been on Council, which is to create new business and create new income for our City and I think it is a really good choice for that location.

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

Yes, 5 No, 1 (McLaughlin) Abstain, 1 (Buescher)

Assistant Clerk of Council Cope: Request has been approved by a vote of five, one, one.

APPLICANT: City of North Ridgeville, 7307 Avon Belden Road
OWNER: City of North Ridgeville, 7307 Avon Belden Road and Lorain Road
 Gateway, LLC, 23706 Russell Road, Bay Village, Ohio 44140
REQUEST: Approval to install a street with a 60 foot right of way
LOCATION: Lorain Road in a B-4 and I-2 District
 Permanent Parcel No. 07-00-003-102-038 and 07-00-003-102-024
PC ACTION: Approved 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

Assistant Clerk of Council Cope: Motion is approved by a vote of seven to zero.

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

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

Assistant Clerk of Council Cope: Motion has been approved by a vote of seven to zero.

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

PC ACTION: Recommend approval by a vote of 5-0
 moved by Olesen, seconded by Boose to approve

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

 Yes, 7 No, 0

Assistant Clerk of Council Cope: Motion has been approved by a vote of seven to zero.

President Butkowski: Thank you, we'll move on to Council Committee reports.

COUNCIL COMMITTEE REPORTS:

President Butkowski:

1) BUILDINGS & LANDS COMMITTEE REPORT #5711: Members of Council: We have considered the matter of T 22-2008, an ordinance establishing hotel/motel regulations and recommend that this request be approved as revised and attached hereto.

SIGNED: Members McLaughlin and Olesen and Chairperson Buescher.

 moved by Buescher, seconded by McLaughlin to accept

President Butkowski: Is there any discussion?

Council Member Corcoran: Madam President, could I have somebody explain what the changes were. I wasn't at the meeting and there are no minutes prepared at this point. I would like to have someone describe to me what was changed.

President Butkowski: Is there someone that wants to explain what was changed?

Council Member Buescher: Madam President, I don't have the ordinance in front of me, but they were very minor changes which basically had to do with the operations in the City and the Police Department. Council asked for the Police Department, the Fire Department and the Building Department to give their input and there were very minor changes that were made at that meeting. It is basically the last draft from the Law Director.

President Butkowski: The new ordinance was attached to this committee report.

Council Member Corcoran: Yes, but I still don't specifically know what has changed. It makes it difficult for me to vote on this without...(inaudible)

Council Member Buescher: Madam President, we did have the changes attached to the minutes and the committee report that was given to City Council.

Council Member Corcoran: I'm sorry, but I do not have that. It was not given to Council.

Council Member Boose: Madam President, even though I was there, I was not given that either. Was that distributed to everyone?

Council Member Buescher: No, it wasn't.

 moved by Corcoran, seconded by Jaenke to postpone the vote on this Council Committee report until we know what we are voting on

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

 Yes, 2 No, 5 (Buescher, Boose, Olesen, McLaughlin, Butkowski)

Assistant Clerk of Council Cope: The vote to postpone has failed by a vote of two to five.

President Butkowski: Thank you. We'll move on to the vote to accept this Committee report. Is there any other discussion on this Committee report? Please call the roll on the Committee report.

Yes, 5 No, 2 (Jaenke, Corcoran)

Assistant Clerk of Council Cope: Committee Report #5711 has been approved by a vote of five to two.

President Butkowski: Thank you. The next Committee Report is the:

2) BUILDINGS & LANDS COMMITTEE REPORT #5715: Members of Council: We have considered the matter of T 86-2008, an ordinance amending NRCO Section 650.01 Public Nuisance Defined and recommend that this request be approved with grammar corrections in Section 1 as follows: insert a comma after the word "condition"; and by striking the comma after the word "districts".

SIGNED: Members McLaughlin and Olesen and Chairperson Buescher.
moved by Olesen, seconded by Buescher to accept

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

Yes, 6 No, 1 (Corcoran)

Assistant Clerk of Council Cope: Committee Report #5715 has been approved by a vote of six to one.

President Butkowski: Thank you. We'll move on to the correspondence for regular Council meeting of June 16, 2008.

CORRESPONDENCE:

President Butkowski:

1) Received a letter from Safety-Service Director Denny Johnson explaining comments made by him, regarding the proposed Goodyear Tire Store on Center Ridge Road, were not in opposition to this project, they were only intended to guide Board members and alert them to perceived problems.

2) Received a memo from Mayor Dave Gillock regarding the reapplication of a new tire repair store on Center Ridge Road and explaining issues relating to the location and impact on neighbors.

3) Received a memo from the Office of the Clerk of Council providing a comparison table with current fees to proposed fees relating to ordinances T 67-2008 through T 72-2008.

4) Received a letter from Council Member and Buildings & Lands Chairman Nancy Buescher regarding the proposed Goodyear Automotive Service Center, questioning the zoning

classification that this particular business would fall under, the signage and noise levels and noting her concerns with the location of this project in the Town Center and the Heritage Preservation District.

5) Received the Lorain County Community Development 2007 Annual Report.

President Butkowski: I also received a letter from Clerk of Council Vince Farrell, which did not meet cloture and it is his resignation letter.

moved by Butkowski, seconded by Boose to request the vote, under new business, for a new Council person to start July 1, 2008

President Butkowski: Is there any discussion?

Council Member Jaenke: Madam President, do we have any candidates in mind to take this position?

President Butkowski: Yes we do and the nomination will be made under new business.

Council Member Corcoran: Madam President, don't you think that since the Clerk of Council works for all of Council, that it would have been appropriate to alert Council that this was happening before tonight and that you would have made mention of the person's name before you walked into Council Chambers tonight or do you feel that it is not necessary that somebody who works for all of Council be exposed to those Council members before the vote.

President Butkowski: I think everyone knew that Mr. Farrell was resigning.

Council Member Corcoran: Actually, there were a lot of rumors to that affect, but we did not know that and we were not given the resignation letter. Right now, we only have your word that he resigned.

President Butkowski: I just got it when I sat down here at the table. He did say that he was resigning at a meeting that we were all at. Is there any other discussion?

Council Member Olesen: Madam Chairman, I think I would like a meeting before we approve a new person in order that we may speak freely about whomever that individual might be.

President Butkowski: I think we'll be voting on it here in an open meeting. That is what the motion is, is to vote on it under new business.

Council Member Boose: Madam President, for clarification, I thought the motion was to read the resignation letter from Mr. Farrell during new business; not to vote on his replacement.

President Butkowski: No, it was to vote on the replacement. This is his resignation and it is to vote on the new person under new business.

Council Member Boose: That is not what I thought the motion was. I apologize and I withdraw my second. That was not my understanding and maybe the Law Director heard something different.

Law Director Crites: For clarification, it sounded like you were asking for the suspension of By-Laws to add the resignation letter to correspondence.

Council Member Boose: That is what I thought.

Law Director Crites: I understand Mr. Boose's interpretation as it was my interpretation as well.

It looks like you are trying to suspend the By-Laws to add a new issue to put before Council under new business; that being the approval of the new.....

President Butkowski: We will have to have the approval of the new Council Clerk under new business. I made the motion to vote for a new Council Clerk under new business.

Mayor Gillock: Point of order, you had a motion on the floor. Dennis withdrew his second.

President Butkowski: I'll withdraw my motion and we'll start all over on this. I had to tell you that Mr. Farrell resigned and I could not read it under correspondence as it did not meet cloture. I'm giving you a verbal notice of it. We have to have something on the agenda to do the vote and that is why I made the motion to put it under new business in order that we do the vote. It has to be put on the agenda in order to take a vote.

Council Member Corcoran: Madam President, given that you were just handed the resignation letter a moment ago, how did you prepare somebody to replace that person? We're you given advance notice that this person was resigning at this meeting?

President Butkowski: He gave me verbal notice that he was going to resign. Yes. I was the one that appointed him.

Council Member Corcoran: You chose not to share that with the rest of Council?

President Butkowski: He told you at one of our meetings that...

Council Member Corcoran: It would have been in the minutes actually, if he had said that and I don't believe that ever occurred.

President Butkowski: I believe you were there.

Council Member Corcoran: I just have a problem with this process because the last Clerk of Council who allegedly just resigned did not believe that he worked for all of Council, so I have a problem with this process that we're going through tonight and I just want to let you know that I think that the leadership that you are displaying at this point is poor.

moved by Butkowski, seconded by Buescher to put this under new business to vote for a Council Clerk tonight

President Butkowski: Is there any discussion?

Council Member Jaenke: Madam President, I'm confused as well. Are we voting on his resignation? Is that what we are doing?

President Butkowski: You don't vote on someone's resignation. I just said...

Council Member Jaenke: Are we voting on the letter?

President Butkowski: No. I just said we are voting for a new Council Clerk under new business.

Council Member Jaenke: We haven't even discussed that and I agree with the other comments in that we should at least know who that person is and have an opportunity to talk about it. It sounds like this is being rammed down our throat and I don't appreciate that.

Council Member McLaughlin: Madam President. Real quick. This is my first term on Council and during our very first meeting, we held our organizational meeting. We didn't have any clue as to who was coming in, where; or what; or anything of that nature and we did the same process. I don't understand why, all of a sudden, we are going through an interview process when we didn't before. Maybe, this is something new that I don't understand, but during our January

organizational meeting when Mr. Farrell was elected, there was no discussion or anything before hand.

President Butkowski: Thank you and I've never seen an interview process in the eleven years that I've been on Council. Is there any other discussion?

Council Member Boose: Madam President. I'll be voting yes on your motion; if, for no other reason, but to have discussion on it at that time in order that we learn about what is going on. I think that is the proper thing to do so at least we can discuss it in open forum.

Yes, 4 No, 3 (Jaenke, Olesen, Corcoran)

Assistant Clerk of Council Cope: Motion has been approved by a vote of four to three.

President Butkowski: Thank you. That ends the correspondence.

President Butkowski adjourned to Executive Session at 8:01 p.m.

President Butkowski reconvened the meeting at 8:32 p.m.

NEW BUSINESS:

Request for D5 and D6 liquor permit transfer from Mould Development LLC, 33009 Lorain Rd. Unit B & Patio to Lone Tree Tavern LLC, DBA Lone Tree Tavern, same address.

President Butkowski: Since this needs to move faster than if we referred it to committee and received it back at the next Council meeting; let's just take care of it tonight.

moved by Olesen, seconded by McLaughlin to approve the liquor license

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

Yes, 7 No, 0

Assistant Clerk of Council Cope: The liquor permit has been approved by a vote of seven to zero.

T 88-2008 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 4513-2008 AND 4521-2008 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2008 AND ENDING DECEMBER 31, 2008.

moved by Boose, seconded by Buescher to suspend the By-Laws to give T 88 its first reading this evening

President Butkowski: Is there any discussion?

Council Member Boose: Madam President, these fund transfers or the use of the funds were discussed during appropriations earlier this year. There are funds available after taking the funds from the Park and Recreation Trust Fund. There is still approximately 26,000 remaining. These funds are used for summer programs and for other such services. They are already starting and I will be making a motion at the appropriate time to pass this with the emergency because of the timeliness need of these funds.

President Butkowski: Thank you. Is there any other discussion? Clerk, please call the roll on T 88.

Yes, 7 No, 0

Assistant Clerk of Council Cope: T 88-2008 will appear under First Readings by a vote of seven to zero.

T 91-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE YEARLY EXPENDITURE OF FUNDS FOR THE PROFESSIONAL SERVICES OF MARSH-MCBIRNEY, INC., A HACH COMPANY, FOR METERING SERVICES FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$60,000.00.
moved by Jaenke, seconded by Olesen to suspend our By-Laws to give T 91 its first reading

President Butkowski: Is there any discussion on T 91. Clerk, please call the roll.

Yes, 7 No, 0

Assistant Clerk of Council Cope: Motion has been approved and T 91-2008 will appear under first readings.

President Butkowski: The Law Director can explain about the voting for the Clerk of Council.

Law Director Crites: The issue was raised as to whether or not we would have needed, on the motion; to place the issue before Council, the election of a new Clerk and whether or not that required a suspension of the By-Laws and thus a super majority, which means five to pass, rather than four. In reviewing both the By-Laws and Roberts Rules, it is my conclusion that it does not require a suspension of the By-Laws because our By-Laws do not set the agenda as to matters of new business. More specifically, our By-Laws do not specify a cloture deadline for matters under new business, where it does for matters of new legislation, council reports, etc.

Accordingly, it is my opinion that the simple four to three majority was sufficient to put it there.

moved by Boose, seconded by Jaenke to postpone a vote on the new Clerk of Council

President Butkowski: Is there any discussion?

Council Member Boose: Madam President. It has been rumored for some time that our current Clerk of Council was looking to retire from the position earlier than the term allowed and it is my understanding that Mrs. Butkowski was in touch with individuals in seeking a replacement for our current Clerk. I was aware of the person that she was going to recommend for that. I feel very strongly about this person and this person can do an outstanding job because of a number of different issues. However, I think postponing it is the right thing to do, if for no other reason that I had thought, that this person would have been communicated to others on Council, as well as to the Administration prior to this evening and not be a surprise. Though, I think that this person would be a great addition to our team, I don't like the manner in which it was taken care of this evening. I think to do it right, is the reason I would be in favor to postponing this until the next meeting in order that we do this properly.

President Butkowski: Thank you. Is there any other discussion? Clerk, please call the roll on the postponement.

Yes, 6 No, 1 (Butkowski)

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

Yes, 7 No, 0

Assistant Clerk of Council Cope: T 77-2008 has been adopted by a vote of seven to zero and becomes permanent ordinance number 4542-2008.

Permanent Ordinance No. 4542-2008

T 78-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF NEW VARIABLE FREQUENCY DRIVES INCLUDING ALL ASSOCIATED WORK AND APPURTENANCES FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$100,000.00.

First Reading

T 79-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF A NEW SEPTIC UNIT INCLUDING ALL ASSOCIATED WORK AND APPURTENANCES FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$175,000.00.

First Reading

T 80-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF A NEW GRIT UNIT INCLUDING ALL ASSOCIATED WORK AND APPURTENANCES FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$250,000.00.

First Reading

T 81-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF FIBER OPTIC LINES AND ALL ASSOCIATED WORK AND APPURTENANCES FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$130,000.00.

First Reading

Council Member Corcoran: Madam President, I would like to ask the Administration if the purchase of these fiber optic lines are necessary to go along with T 91.

Safety-Service Director Johnson: The fiber optic lines are necessary to tie all the different buildings together with the SCADA system and the electronics that run the plant. Right now, we are doing it with wireless communications. The communication is not good and it drops off from time to time. We want to replace it with fiber optic.

President Butkowski: Thank you.

T 82-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE REPLACEMENT OF SAND AND REPAIR OF COMPONENTS FOR THE SLUDGE DRYING BEDS INCLUDING ALL ASSOCIATED WORK AND APPURTENANCES AT THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$130,000.00.

First Reading

moved by Mayor Gillock, seconded by Boose to amend T 82 in the first whereas to place a period after the word process and to delete the words in condition to sell as Biorich, because we no longer do that

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

Yes, 7 No, 0

Assistant Clerk of Council Cope: T 82-2008 has been amended by a vote of seven to zero.

T 83-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE REPLACEMENT OF THE FISHER PORTER DIFFUSER WITH NEW PINCH VALVES INCLUDING ALL ASSOCIATED WORK AND APPURTENANCES FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$28,000.00.

First Reading

T 87-2008 AN ORDINANCE DESIGNATING RESPONSIBILITY OF OWNERS FOR COLLECTION AND REMOVAL OF FECES DEPOSITED BY THE DEFECATION OF ANY ANIMAL UPON ANY PUBLIC OR PRIVATE PROPERTY; EXEMPTING GUIDE DOGS UNDER CONTROL OF BLIND PERSONS.

First Reading

President Butkowski: I'M GOING TO REFER THAT TO THE SAFETY COMMITTEE.

T 89-2008 AN ORDINANCE APPROVING THE FINAL CLUSTER SITE PLAN OF PHASE I OF WATERSIDE PLACE IN WATERBURY SUBDIVISION NO. 4

FOR RECORDING PURPOSES ONLY.

First Reading

T 90-2008 AN ORDINANCE APPROVING THE FINAL PLAT OF SUBDIVISION NO. 11
IN PHASE 4 OF MEADOW LAKES PCD FOR RECORDING PURPOSES
ONLY.

First Reading

T 88-2008 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 4513-
4543-2008 2008 AND 4521-2008 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR
THE PERIOD COMMENCING JANUARY 1, 2008 AND ENDING
DECEMBER 31, 2008.

First Reading

moved by Boose, seconded by Olesen to dispense with the second and third
readings this evening

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

Yes, 7 No, 0

Assistant Clerk of Council Cope: Second and third readings have been dispensed with by a vote
of seven to zero.

moved by Boose, seconded by Olesen to adopt T 88

moved by Boose, seconded by Olesen to add the emergency in order to meet the
timeliness of the expenditures

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

Yes, 7 No, 0

Assistant Clerk of Council Cope: Emergency has been added by a vote of seven to zero.

President Butkowski: Motion has been made by Boose and seconded by Olesen to approve with
the emergency. Is there any discussion? Please call the roll.

Yes, 7 No, 0

Assistant Clerk of Council Cope: T 88-2008 has been adopted with the emergency by a vote of
seven to zero and becomes permanent ordinance number 4543-2008.

Permanent Ordinance No. 4543-2008

T 91-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
4544-2008 CONTRACT FOR THE YEARLY EXPENDITURE OF FUNDS FOR THE
PROFESSIONAL SERVICES OF MARSH-MCBIRNEY, INC., A HACH
COMPANY, FOR METERING SERVICES FOR THE FRENCH CREEK
WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$60,000.00.

First Reading

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

President Butkowski: We are moving on to the second readings. The first one of the second readings is T 67.

SECOND READINGS

Assistant Clerk of Council Cope:

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.

Second Reading

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

Second Reading

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

Second Reading

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

Second Reading

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.

Second Reading

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

Second Reading

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

Second Reading

President Butkowski: Moving on to the third readings.

COMMERCIAL DISTRICT AND OWNED BY DAVID J. FOX AND MANG HUNG WONG.

Third Reading

President Butkowski: We need to postpone this until after the public hearing, which is scheduled before the next regular meeting.

President Butkowski: Moving on to upcoming meeting announcements.

COMMITTEE MEETING ANNOUNCEMENTS:

President Butkowski:

Public Hearing July 7, 2008 at 7:10 P.M. re: final approval for Phase 1 of a Skilled Nursing Facility in a Special Development District

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 beginning at 7:20 P.M. on the following in the order which they appear

- 1) cluster site plan for Waterside Place in Waterbury Subdivision #4, Waterside Place Phase 1
- 2) Final approval of Subdivision No. 11 in Phase 4 of Meadow Lakes PCD

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

Also, on July 3 over in the Park, will be the fireworks at dusk. So, don't forget that.

ADJOURNMENT:

moved by McLaughlin to adjourn

Meeting adjourned at 9:05 P.M.

MOTION	<u>Jaenke</u>	2ND	<u>Olesen</u>	DATE	<u>July 7, 2008</u>
(as corrected)					
YES	<u>7</u>	NO	<u>0</u>	ABSTAIN	<u>0</u>