

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING SEPTEMBER 2, 2008**

CALL TO ORDER: 7:30 P.M.

President Butkowski: I call to order the North Ridgeville City Council Meeting of Tuesday, September 2. Please stand for the invocation and pledge of allegiance?

INVOCATION: lead by President Butkowski.

PLEDGE OF ALLEGIANCE: by all.

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, Engineer Larry Griffith, Auditor Chris Costin and Clerk of Council Warren Blakely

MINUTES - Corrections (if any) and Approval:

Public Hearing Minutes of July 21, 2008 re: T 73-2008

moved by Jaenke, seconded by Boose to approve

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

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero.

Council Minutes of regular meeting held July 21, 2008

moved by Jaenke, seconded by Corcoran to approve

President Butkowski: Is there any discussion or corrections to the minutes? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero.

President Butkowski: You have before you:

Parks & Recreation Commission Minutes of regular meetings June 25, 2008 and July 23, 2008;
Board of Zoning and Building Appeals Minutes of regular meeting July 24, 2008;
Civil Service Commission Minutes of regular meetings July 15, 2008 and August 19, 2008; and
Planning Commission Minutes of regular meeting August 12, 2008.

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

LOBBY:

President Butkowski: I'm asking anyone tonight, who would like to address Council, 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. You will have three minutes to speak. All questions will be answered after the meeting. Please remember, we have a new podium tonight, you must speak directly into the microphone or you will not be heard. Is there anyone interested in speaking tonight?

1) Charles Fetterolf of 33007 Leafy Mill Lane spoke regarding a letter received by a number of residents from FEMA indicating the new flood insurance rate map. He read his findings from the website of FEMA and noted a form that the City, County and State could complete requesting a revision of the flood map for their residents. He specified one City that completed this form for their residents.

 moved by Boose, seconded by Buescher to allow this gentleman up to an additional three minutes only

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

 Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven zero.

Charles Fetterolf explained that because of this, his property has depreciated in value. He concluded by asking why residents were only given 28 days notice to come up with monies for flood insurance.

President Butkowski: Thank you.

Mayor Gillock: Madam President, I would like to respond a little bit because this is a good topic. Mr. Fetterolf did communicate to us and I also responded to you, approximately, one month ago. This wasn't 28 days notice. We started this process in the year 2007. We put out notices in the newspapers. We announced at these meetings, that FEMA was making this map revision. They held meetings, which we publicized to try to get people to attend, because we were trying to let you know that this was possible. They then published a map and after which, they held a six-month hearing period and again, this was publicized and announced. The letter that you received was to advise you, that if you were in this area, you could buy insurance at a cheaper rate now, rather than waiting until after August 19. There are letters of map revisions that have been done, but the City has not initiated those. Those have been done by the property owners. We will be glad to work with anyone, but we have been trying over the last year to make this issue, the gentleman had brought up, known to everyone because FEMA is the one that adjusts the maps and due to new technology, they came out and redid all the maps. The southern part of North Ridgeville was never even mapped before and suddenly it's been mapped and there are areas,

such as in Waterbury, that were never mapped before and are now in a special flood hazard zone. It is a huge issue and we are certainly glad to work with anyone in any way we can to help you relieve this situation, but it is something that we have been working on for almost a year and we tried to get these notices out for your benefit and if you didn't get it, I apologize that you didn't get that information, but it has been on our website; on our cable and published in the newspapers. It is a huge issue. Thank you.

President Butkowski: Is there anyone else that would like to speak tonight?

2) Paul Papes of 5240 Lear Nagle expressed his concerns regarding the truck traffic issue on Lear Nagle. He also spoke regarding the support car program for the Police Department and questioned the cost of the City's use.

moved by Boose, seconded by Buescher to allow this gentleman up to an additional three minutes only

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

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven zero.

Paul Papes expressed his belief that there is intimidation playing a role in the voting decisions.

President Butkowski: Thank you. Is there anyone else who would like to speak tonight?

3) Patricia Walters of 34628 Plantation Place introduced herself as a new resident of North Ridgeville and expressed her concerns regarding the tree lawn ordinance and asked that Council consider amending the ordinance to allow for larger and more mature trees where there are no power lines.

President Butkowski: Thank you. Is there anyone else that would like to speak tonight?

4) Keith Jenkins of 8852 Harris Drive spoke his concerns with the definition of conflict of interest on votes being cast that relate to residential zoning ordinances.

moved by Boose, seconded by Buescher to allow this gentleman up to an additional three minutes only

President Butkowski: Is there any discussion?

Council Member Corcoran: Yes, Madam President. If this is going to include further discussion regarding me, personally; regarding things that aren't true, then I would recommend not allowing him any additional time. So far, the things that he has said are not true. I would hate for him to mislead the public and give them the wrong impression. As far as my subdivision is concerned, all the laws that affect the building in my subdivision are already passed and nothing that could be introduced from this point forward, could affect the building in my subdivision. The only things that can change the rules affecting my subdivision are federal and state laws and nothing that the City of North Ridgeville could pass. As far as conflict of interest with anything within the City, there is no conflict for me, personally.

President Butkowski: Thank you, Mr. Corcoran. Is there any other discussion? You have to be very sure that there is nothing you say that is personal against any member of the Administration

or anyone else in this room. Clerk, please call the roll.

Yes, 5 No, 2 (Olesen, Corcoran)

Keith Jenkins proceeded to explain that the issue is when there are votes creating, modifying and deleting residential zoning ordinances. He asked if conflict of interest could be defined by the Law Director as he was trying to understand that issue and if those votes, where there was a conflict of interest on ordinances that have passed, were invalid. He expressed his concerns with the legal definition of a conflict of interest.

President Butkowski: Mr. Jenkins, your three minutes are up and Mr. Crites can answer your questions after the meeting, as they are very involved.

5) Mark Haynes of Haynes Construction, 3130 Route 18, Norwalk, Ohio explained that he was the low bidder on the sludge removal project. He expressed his concerns regarding the award of that bid, as he was told that he may or may not receive the award based on the exact dump site address being omitted from the application. He explained why his company omitted an address and continued to explain the savings to North Ridgeville if his bid was chosen over the other bidders.

President Butkowski: Thank you. Is there anyone else who would like to speak tonight? If not, we'll move on to the Administrator's Reports. Mayor Gillock?

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you. First, I would like to welcome everyone back after Council's August vacation. We did not have any special meetings during the month of August so, we have a lot on our plate this evening and I'll get started.

You have before you, an ordinance allowing us to go to bid and enter into a contract for garbage pick up. Our current contract expires October 31 of this year. Allied Waste has notified us that due to significant increases in fuel, labor, insurance and worker's compensation, they would not extend at the current rate. They would be willing to negotiate an extension with new rates, but I believe that may circumvent our bidding requirements. The last contract was negotiated in 2003. We do have other companies interested in bidding. Therefore, we need to get this out as soon as possible. We need this passed this evening to enable us to conduct a bid opening before the current contract expires.

moved by Mayor Gillock, seconded by Olesen to add this proposed ordinance to the agenda under first readings and ask the Clerk to assign it a T number

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

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero.

President Butkowski: That will have the T number of 116.

Mayor Gillock: Thank you. Mr. Vince Loparo's term as a member of the Fair Housing Board, expired on July 5 of this year. He has been a valuable member of the Board and would like to serve another three-year term. I would like to reappoint Mr. Loparo to the Fair Housing Board.

 moved by Mayor Gillock, seconded by Buescher to approve the appointment

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

 Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero.

Mayor Gillock: Thank you and lastly, I would like to request an Executive Session after Old Business for two purposes. The one purpose is to discuss potential litigation and the second purpose is to discuss acquisition of property.

 moved by Mayor Gillock, seconded by Olesen to move into Executive Session after Old Business to discuss potential litigation and acquisition of property

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

 Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero.

Mayor Gillock: Thank you and that concludes my report.

President Butkowski: Thank you, Mr. Gillock. Safety-Service Director Denny Johnson.

B. Safety-Service Director:

Safety-Service Director Johnson: Thank you, Madam President. As members are aware, we have been working on the issue of sludge removal at French Creek for some time. T 111 and T 113 on your agenda tonight are necessary for this project to continue and I ask that they be passed tonight by emergency, so we can get this project on track. Also, due to August recess, all the ordinances and resolutions on the agenda under first and second readings have been delayed for thirty days. I suggest that Council consider suspending By-Laws to allow all first and second readings to be cancelled, so that these can be voted on tonight.

Our public parks have experienced a rash of vandalism lately. Our Police are watching, but I would like to encourage the citizens to report any suspicious activity, especially, if you live near one of our parks. Of course, it would also help if we watched our neighborhoods and report suspicious activity there, as well.

Finally, school is back in session and I ask that motorists be watchful for walking students, especially on the streets without sidewalks. That concludes my report.

President Butkowski: Thank you, Mr. Johnson. We're moving on to our Engineer, Mr. Griffith.

C. Engineer:

Engineer Griffith: Thank you, Madam President. Every homeowner can help protect the quality of water in our streams and ditches and ultimately our drinking water by following these tips:

When cleaning your driveway or sidewalk, use a broom instead of a hose so that debris will be prevented from entering the storm drains.

Use cat litter to soak up leaked oil, and then throw away the litter in the trash. This will prevent oils from entering the storm drains.

When painting, do not rinse brushes off in the lawn or dump excess paint into the storm drain. Instead, rinse brushes and rollers off in a sink or tub and drop your extra paint off at a hazardous waste recycling facility or event.

Use a mulching mower to mow your lawn so that there are no grass clippings to dispose of. Or, as an alternate, dispose of lawn waste in a compost pile. Never place leaves, grass clippings or other debris in waterways, because it will cause a decrease in oxygen and kill the aquatic life.

Reduce the amount of paved area and increase the amount of vegetated area in your yard. This will decrease the amount of storm water that runs off into streams and will allow for more filtration of pollutants by the vegetation before the storm water leaves your yard and enters streams.

Clean up immediately after your pets and throw the waste into the trash or flush it down the toilet. Otherwise, disease causing pathogens in the waste can be transferred directly into streams. That concludes my report this evening.

President Butkowski: Thank you. Our Auditor, Mr. Costin.

D. Auditor:

Auditor Costin: Thank you, Madam President. I have a couple of items for this evening. The first, of which, is the Auditor's Written Financial Report for July, which you all received and I request your passage.

 moved by Boose, seconded by McLaughlin to approve the Auditor's Written Financial Report for the month of July 2008

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

 Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero.

Auditor Costin: Thank you. I would like to alert City Council that we expect the legislation, for the issuance of bonds to be issued later in the year, to be presented at the very next Council meeting, September 15.

Finally, there are several ordinances that deal with finances that I would be glad to answer any questions as each receives its reading. I would like to particularly point your attention to T 103 under first readings that deals with the intersection of Center Ridge Road and Stoney Ridge Road. We will be requesting that the upper limit of 395,000 dollars be amended to read 320,000 dollars. That is the money that is needed based on the actual bids and that is the money that is available and has been appropriated for that project at this time. We don't want to overlook T 103 amending it to 320,000 dollars. That concludes my report and comments. Thank you.

President Butkowski: Thank you, Mr. Costin. We'll move on to other reports.

E. Other Reports:

President Butkowski: Please note:

Tax Abatement Review Board report of meeting held July 16, 2008 re: MMCA Development, LLC

 moved by Boose, seconded by Buescher to approve

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

 Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero.

President Butkowski: Before you tonight, you have the:

Comprehensive Annual Finance Report for the Year Ended December 31, 2007;

Building Department Reports for June and July 2008;

Mayor's Court Report for July 2008;

OM Public Sector Solutions Monthly Report dated July 31, 2008;

Public Water System Operation Report for July 2008;

Police Department Support Car Report for July 2008;

Police Department 2007 Annual Report; and

Police Department Quarterly Report from April to June 2008.

President Butkowski: Clerk, could you please read the Planning Commission report to Council of the regular meeting August 12, 2008.

Clerk of Council Blakely:

Planning Commission Report to Council of regular meeting August 12, 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 revised plans submitted July 8, 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: Approved by a vote of 3-0 with condition that consideration be made regarding City Planner's comments

 moved by Jaenke, seconded by Olesen to approve

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

 Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero.

APPLICANT: Anthony M. Valore, Valore Properties, Inc., 23550 Center Ridge Road, Westlake, Ohio 44145

OWNER: Valore Properties, Inc. 23550 Center Ridge Road, Westlake, Ohio 44145; NVR, Inc., 31388 Industrial Park, North Olmsted, Ohio 44070; Richard Mucha, 5875 Stoney Ridge Road; Thomas E. Miller, Trustee, 35015 Chestnut Ridge Road; Daniel R. and Jennifer Stopper, 6479 Stoney Ridge Road; Della Dorow, Trustee, 6305 Stoney Ridge Road; Irene Berlovan 6082 Avon Belden Road; and Heather Foldi (fka Houser), 6327 Stoney Ridge Road

REQUEST: Preliminary plan approval for a Planned Community Development to be known as Hampton Place

LOCATION: Approximately 218 acres situated between Avon Belden Road and Stoney Ridge Road in an R-1 District

Permanent Parcel Numbers 07-00-029-000-073, 07-00-029-000-072, 07-00-029-000-003, 07-00-029-000-004, 07-00-029-000-006, 07-00-029-000-068, 07-00-029-000-150, 07-00-029-000-111, 07-00-029-000-015, 07-00-029-000-085, 07-00-029-000-057, 07-00-028-102-092, and S/L 2 through 34 and Blocks A through F in Hampton Place Subdivision No. 1 and part of Permanent Parcel Numbers 07-00-029-000-016, 07-00-029-000-017, 07-00-029-000-018, 07-00-029-000-066 and No. 07-00-029-000-005

PC ACTION: Postponed by a vote of 3-0

President Butkowski: There will be no vote on this because there was no vote taken.

Council Member Olesen: Madam President, why do we have to read all these things for a postponed item? We have another one on the agenda that was postponed.

President Butkowski: I'm not sure.

Law Director Crites: I admit, Mr. Olesen did lean over and mention this to me and I haven't had a chance to take a look at it. I do have an opinion on it. It is going to Planning Commission under the mandatory referral provisions of our Charter which also, in the same clause of our Charter, mandates that Planning Commission must act within 60 days or the matter is deemed affirmed by the Planning Commission. So, the argument for having it appear, is for the purpose of giving the public notice; open government, letting them know what is happening. The counter argument to that is that it has to come back or it becomes, eventually, deemed affirmed by the Planning Commission. So, potentially, one could argue that it not appear. As you can see, I am equivocating and arguing in my own mind. It's always nice to err on the side of open government and that is what we are doing here and maybe we could look at it a little closer because it is quite a bit of effort.

Clerk of Council Blakely: Madam President, I have asked our Chief Deputy Clerk of Council to take a look at this and see what she could do about it.

Council Member Olesen: Could we abbreviate this?

President Butkowski: There is no abbreviation. It is either there or not there.

Mayor Gillock: Madam President, I think there would be the opportunity to combine some of the numbers that are read. For example, the last five numbers that were read are all the same numbers with the exception of the last three digits and I think you could say these parcels 07 and whatever, it is to include 16, 17, 18, 66 and 5.

President Butkowski: Yes, that could be abbreviated.

Clerk of Council Blakely: That is precisely what I have asked Paula to do.

President Butkowski: That could happen especially with these bigger groupings. Has the Law Director answered his question?

Law Director Crites: I think I just raised another one. We'll look at it. That is a good idea.

President Butkowski: Thank you. Please continue with the next one.

APPLICANT: Gary Fischer, Arkinetics, Inc., 201 ½ 5th Street, Lorain, Ohio 44052

OWNER: Scott Collins, c/o 1471 Lear Industrial Parkway, Avon, Ohio 44011

REQUEST: Site plan approval for a new preschool known as Goddard School

LOCATION: Southwest corner of Center Ridge Road and Evergreen Boulevard in a B-5 District

Permanent Parcel No. 07-00-034-000-019

PC ACTION: Approved by a vote of 3-0 contingent upon BZA approving required variance(s)

moved by Buescher, seconded by Olesen to approve
President Butkowski: Is there any discussion? Clerk, please call the roll.
Yes, 7 No, 0
Clerk of Council Blakely: Motion passes by a vote of seven to zero.

APPLICANT: Keith E. Jones, 1122 6th Street, Lorain, Ohio 44052
OWNER: Same
REQUEST: Site plan approval to construct a storage facility
LOCATION: Mills Industrial Parkway in an I-2 District
Permanent Parcel No. 07-00-018-101-214
PC ACTION: Postponed by a vote of 3-0
President Butkowski: There will be no vote on this.

T 108-2008 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 218 ACRES SITUATED BETWEEN AVON BELDEN
ROAD AND STONEY RIDGE ROAD AND SHOWN BY LEGAL
DESCRIPTION BELOW; FROM R-1 RESIDENCE DISTRICT TO PCD
PLANNED COMMUNITY DEVELOPMENT AS PETITIONED BY
ANTHONY M. VALORE, VALORE PROPERTIES, INC
PC ACTION: Postponed by a vote of 3-0
President Butkowski: There will be no vote on this. We'll move on to

COUNCIL COMMITTEE REPORTS:

SAFETY COMMITTEE REPORT #5727 dated July 21, 2008. Members of Council: We have considered the matter of 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 and recommend that this request be approved and T 87-2008 be adopted by Council.
Signed Chairperson Kevin Corcoran; Members Richard Jaenke and Dennis Boose
moved by Olesen, seconded by Corcoran to approve
President Butkowski: Is there any discussion? Clerk, please call the roll.
Yes, 7 No, 0
Clerk of Council Blakely: Motion passes by a vote of seven to zero.

CORRESPONDENCE:

- 1) Received a letter from Christin Kish, Manager of Resources and Marketing of Team Lorain County to Mayor Gillock expressing their appreciation for the City's continued interest and financial investment in support of promoting economic growth and job creation in our community.
- 2) Received a letter from Steven A. Bertsch, Vice President, Regional Controller for Time Warner Cable enclosing the franchise fee payment for the period ending June 30, 2008.
- 3) Received a notice from Terry Poole, Superintendent of the Ohio Department of Commerce, Division of Liquor Control notifying Council that all permits to sell alcoholic beverages will expire October 1, 2008.
- 4) Received a letter from Mark Haynes of Mark Haynes Construction Inc., in regard to his concerns relating to the award of the French Creek Wastewater Treatment Plant sludge hauling and site restoration project.

President Butkowski: Thank you. Moving on to Old Business and we have none. We will move into Executive Session.

President Butkowski adjourned to Executive Session at 8:30 P.M.

President Butkowski reconvened the meeting at 8:58 P.M.

NEW BUSINESS:

President Butkowski:

Request for a D5 liquor license stock transfer for Crazys Inc., DBA Crazys, 9001 Avon Belden Road.

 moved by Jaenke, seconded by Olesen to approve

President Butkowski: Is there any discussion? This request is for the transfer of stock that will need to be sent to the State Agency. Is there any other discussion on this matter? Clerk, please call the roll.

 Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero.

President Butkowski: Thank you. Clerk, could you please read the remaining new business.

Clerk of Council Blakely:

T 109-2008 AN ORDINANCE AMENDING NRCO CHAPTER 1279 - PCD PLANNED COMMUNITY DEVELOPMENT DISTRICT.

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

T 110-2008 AN ORDINANCE REPEALING CHAPTER 868 ADULT CABARETS AND REPLACING IT WITH THE BELOW LEGISLATION GOVERNING SEXUALLY ORIENTED BUSINESSES.

Council Member Boose: Madam President, I recommend that this also be referred to Building and Lands.

President Butkowski: I didn't know for sure, if you needed more work on it or not.

Council Member Boose: Yes, there are a few things here that we need to adjust so, it would be best done in Committee.

President Butkowski: I WILL REFER THIS ONE TO BUILDING AND LANDS ALSO.

T 111-2008 AN ORDINANCE AMENDING ORDINANCE NO. 4560-2008 BY INCREASING THE AMOUNT OF SLUDGE REMOVAL AT THE FRENCH CREEK WASTEWATER TREATMENT PLANT FROM \$1,250,000.00 TO \$1,316,000.00.

 moved by Mayor Gillock, seconded by Buescher to suspend the By-Laws tonight to give T 111 its first reading

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

 Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero.

T 112-2008 AN ORDINANCE WAIVING THE SEWER INTERCEPTOR FEE FOR HAMPTON PLACE DEVELOPMENT AS SUBMITTED/APPROVED JUNE 2007 FOR IMPROVEMENTS FOUND TO BENEFIT THE CITY.

President Butkowski: I WILL REFER THAT TO THE UTILITIES COMMITTEE.

Mayor Gillock: Madam President, just by way of a little bit of explanation. We have an ordinance that allows us to waive the sewer interceptor fee when it is found to benefit the City. It requires the sanitary sewer line to be installed, inspected and approved before we can grant the waiver. This sewer line has been installed on Avon Belden Road to Hampton Place. This is only for the original R-1 application. It says, as submitted and approved in June of 2007. I'm not sure if we have completed it yet, but the benefit to the City was that it enabled us to take the Schneider Lift Station totally out of use and connect directly into this. They paved that road today, so I know that they are getting near completion on that project. We actually passed a resolution at the beginning of the project indicating that we would do this and we have finally reached that point that after Council has had a chance to look at it and discuss in committee, we need to finalize that waiver for the original R-1 submission. Thank you.

T 113-2008 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO K.S. ASSOCIATES FOR PROFESSIONAL SERVICES FOR THE FRENCH CREEK SLUDGE HAULING PROJECT.

 moved by Buescher, seconded by Boose to suspend By-Laws to give T 113 its first reading

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

 Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero.

T 114-2008 A RESOLUTION DECLARING IT NECESSARY TO PLAT A PUBLIC STREET TO BE CONSTRUCTED AND FINANCED BY SPECIAL ASSESSMENT PROCEEDINGS.

 moved by Mayor Gillock, seconded by Olesen to suspend By-Laws to give T 114 its first reading

President Butkowski: Is there any discussion?

Council Member Buescher: Madam President, I was wondering if the Mayor could explain this one.

Mayor Gillock: Yes, this is the new road going back to the Sports Zone project, which will also serve the basketball facility. The road is actually going to be on the property owned by the property owner to the east. We are negotiating a purchase agreement with him for that property and he will be assessed for half of the cost of the road, because he will benefit from half of that road. We have already appropriated the money for the road. We have the engineering done. We just need to nail this down along with a purchase agreement in order to build the road. They will start moving dirt next week on our parcel. They can't start laying pipe or anything permanent until we get this done.

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

Council Member Boose: Madam President, I have a question of the Auditor. It is my understanding that we did appropriate this in appropriations, but we have not passed legislation to pay for it. Correct?

Auditor Costin: The project cost for all the infrastructure, I don't believe, we've appropriated. We set it aside waiting for more definitive information.

Mayor Gillock: We did set it aside. We haven't appropriated.

Auditor Costin: We didn't set aside the money. We set aside the concept, because what we need to do is issue BANs. We postponed it until we had definitive dollar amounts and we knew the project would be moving forward.

Council Member Boose: My follow-up question would be, that if it was Council's decision to approve this resolution, it does not tie us into spending that money. The reason I say that is because I have some questions about the project.

Law Director Crites: Madam President, if I could speak to that. This resolution is somewhat separate and distinct from any Council legislation or action to expend the money for the actual

project. This resolution, although obviously related, is actually born out of a bazaar legal technicality that exists in our subdivision regulations, which most simply put is that, the way it exists now, our subdivision regulations; under which the creation of streets and roads plats therefore exist, are written so that typically all streets and roads are created by developers. It's via this resolution that we are paving the way for Council, or the municipality on its own unilateral action, to create a street pursuant to a provision in the Ohio Revised Code. Thus, essentially establishing the basis for the plat. The most important question is, is if this resolution does pass, by no means are we in an irretractable slope to create the project. It just simply establishes a plat that would eventually be recognized by the County as a street.

Council Member Boose: And could conceivably be a paper street if nothing else.

Law Director Crites: Correct. Not even.

Mayor Gillock: Madam President, that is the point that I was going to make. Really, all we're doing is creating a paper street.

President Butkowski: Are there any other questions? Clerk, please call the roll on the suspension to give this its first reading tonight.

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero.

T 115-2008 A RESOLUTION OF THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, OHIO, APPROVING AND RATIFYING AN APPLICATION FOR TAX INCENTIVE IN COMMUNITY REINVESTMENT AREA NO. 14 CREATED BY CITY OF NORTH RIDGEVILLE RESOLUTION NO. 768-94, BY MMCA DEVELOPMENT, LLC, A LIMITED LIABILITY COMPANY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF OHIO.

moved by Mayor Gillock, seconded by Olesen to suspend By-Laws to give T 115 its first reading this evening

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

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero.

RECESS:

moved by Butkowski, seconded by Boose to suspend the By-Laws to dispense with recess tonight

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

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero to dispense with recess.

President Butkowski: We are moving on to first readings and since we have a large docket tonight, let's just do a voice vote on these, if everyone agrees. We'll start with the first reading.

FIRST READINGS:

Clerk of Council Blakely:

T 102-2008 AN ORDINANCE ENACTING PROVISIONS PROVIDING FOR PART-TIME
4571-2008 NON-UNION JOB POSITIONS, WAGE RATES AND BENEFITS
PERTAINING THERETO, AND REPLACING ORDINANCE NOS. 2728-93
AND 3379-98.

First Reading

moved by Olesen, seconded by Jaenke to dispense with the second and third readings tonight

President Butkowski: Is there any discussion? All those in favor say yes. All those opposed no. Any abstentions?

Yes, 7 No, 0

President Butkowski: Motion passed.

moved by Olesen, seconded by Corcoran to adopt

President Butkowski: Is there any discussion? All those in favor say yes. All those opposed no.

Yes, 7 No, 0

President Butkowski: Motion passed and that will be ordinance number?

Clerk of Council Blakely: Ordinance number 4571-2008.

Permanent Ordinance No. 4571-2008

T 103-2008 AN ORDINANCE AMENDING ORDINANCE NO. 4388-2007 REGARDING
4572-2008 THE INSTALLATION OF A TRAFFIC SIGNAL AT THE CENTER RIDGE
ROAD AND STONEY RIDGE ROAD INTERSECTION, INCLUDING OTHER
NECESSARY APPURTENANCES AND WORK-RELATED INCIDENTALS
THERETO, BY INCREASING THE AMOUNT FROM \$230,000.00 TO
\$395,000.00.

First Reading

moved by Buescher, seconded by Jaenke to dispense with the second and third readings tonight

President Butkowski: Is there any discussion?

Council Member Boose: Yes, Madam President, after this vote and before we take a vote to approve, we will need to amend the amount from 395,000 to 320,000 per the comments of the Auditor earlier.

moved by Mayor Gillock, seconded by Buescher to amend it from 395,000 to 320,000

President Butkowski: All those in favor say yes. All those opposed. Are there any abstentions?

Yes, 7 No, 0

President Butkowski: Motion passed. A motion was made by Buescher and seconded by Jaenke to dispense with the second and third reading. Is there any discussion? All those in favor say

yes. All those opposed to say no. Any abstentions?

Yes, 7 No, 0

President Butkowski: Motion passed.

 moved by Boose, seconded by Corcoran to adopt

President Butkowski: Is there any discussion?

 moved by Gillock, seconded by McLaughlin to add the emergency for the safety
 of the residents

President Butkowski: Is there any discussion? All those in favor of the emergency, say yes. All
those opposed by no. Any abstentions?

Yes, 7 No, 0

President Butkowski: A motion was made by Boose and seconded by Corcoran to adopt with the
emergency. Is there any discussion? All those in favor say yes. All those opposed by no. Any
abstentions?

Yes, 7 No, 0

President Butkowski: Motion passed and that becomes ordinance number?

Clerk of Council Blakely: 4572-2008.

 Permanent Ordinance No. 4572-2008

T 116-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
4573-2008 AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A
 MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST
 BIDDER FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE AND
 COLLECTION AND PROCESSING OF RECYCLABLE MATERIALS AND
 YARD WASTE FOR EACH RESIDENTIAL UNIT WITHIN THE CITY OF
 NORTH RIDGEVILLE, OHIO.

 First Reading

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

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

Yes, 7 No, 0

President Butkowski: Motion passed.

 moved by Boose, seconded by Olesen to adopt

 moved by Boose, seconded by Olesen to add the emergency in order to hold the
 bid opening before the current contract expires

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

Yes, 7 No, 0

President Butkowski: A motion was made by Boose and seconded by Olesen to adopt with the
emergency. Is there any discussion? All those in favor say yes. All those opposed by no. Any
abstentions?

Yes, 7 No, 0

President Butkowski: Motion passed and becomes ordinance number?

Clerk of Council Blakely: 4573-2008.

Permanent Ordinance No. 4573-2008

T 111-2008 AN ORDINANCE AMENDING ORDINANCE NO. 4560-2008 BY
4574-2008 INCREASING THE AMOUNT OF SLUDGE REMOVAL AT THE FRENCH
CREEK WASTEWATER TREATMENT PLANT FROM \$1,250,000.00 TO
\$1,316,000.00.

First Reading

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

President Butkowski: Is there any discussion?

Council Member Boose: Madam President, just a question of the Auditor. This is a 66,000 dollar
increase. Do we have the funds available and from what line item?

Auditor Costin: I can't find it on my agenda, but yes, we have the funds available and it would be
under the French Creek Operating fund.

President Butkowski: Is there any other discussion? All those in favor say yes. All those
opposed by no. Any abstentions?

Yes, 7 No, 0

President Butkowski: Motion passed.

moved by Mayor Gillock, seconded by Corcoran to adopt

President Butkowski: Is there any discussion?

moved by Mayor Gillock, seconded by Jaenke to add the emergency

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

Yes, 7 No, 0

Clerk of Council Blakely: Motion on the emergency passed by a vote of seven to zero.

President Butkowski: A motion was made by Mayor Gillock and seconded by Corcoran to adopt
with the emergency. Is there any discussion?

Mayor Gillock: Madam President, just for the record, we added the emergency because we are in
discussions with the EPA and we need to get this cleaned up as soon as we can.

President Butkowski: Thank you. Is there any other discussion? All those in favor say yes. All
those opposed by no. Any abstentions?

Yes, 7 No, 0

President Butkowski: Motion passed and becomes ordinance number?

Clerk of Council Blakely: 4754-2008.

Permanent Ordinance No. 4574-2008

T 113-2008 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO K.S.
1139-2008 ASSOCIATES FOR PROFESSIONAL SERVICES FOR THE FRENCH CREEK
 SLUDGE HAULING PROJECT.

First Reading

moved by Olesen, seconded by Corcoran to dispense with the second and third readings tonight

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

Yes, 7 No, 0

moved by Olesen, seconded by Jaenke to adopt

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

Yes, 7 No, 0

President Butkowski: Resolution passed.

Clerk of Council Blakely: It becomes resolution number 1139-2008.

Permanent Resolution No. 1139-2008

T 114-2008 A RESOLUTION DECLARING IT NECESSARY TO PLAT A PUBLIC
1140-2008 STREET TO BE CONSTRUCTED AND FINANCED BY SPECIAL
 ASSESSMENT PROCEEDINGS.

First Reading

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

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

Yes, 7 No, 0

moved by Mayor Gillock, seconded by Corcoran to adopt

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

Yes, 7 No, 0

President Butkowski: Resolution passed and becomes resolution number?

Clerk of Council Blakely: 1140-2008.

Permanent Resolution No. 1140-2008

T 115-2008 A RESOLUTION OF THE COUNCIL OF THE CITY OF NORTH
1141-2008 RIDGEVILLE, OHIO, APPROVING AND RATIFYING AN APPLICATION
 FOR TAX INCENTIVE IN COMMUNITY REINVESTMENT AREA NO. 14
 CREATED BY CITY OF NORTH RIDGEVILLE RESOLUTION NO. 768-94,
 BY MMCA DEVELOPMENT, LLC, A LIMITED LIABILITY COMPANY
 ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF
 OHIO.

First Reading

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

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

Yes, 7 No, 0

President Butkowski: Motion passed.

moved by Mayor Gillock, seconded by Olesen to adopt

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

Yes, 7 No, 0

President Butkowski: Resolution passed and becomes resolution number?

Clerk of Council Blakely: 1141-2008.

Permanent Resolution No. 1141-2008

President Butkowski: Now, we'll be moving on to the second readings for tonight and our first one will be T 96.

SECOND READINGS

Clerk of Council Blakely:

T 96-2008 AN ORDINANCE CREATING THE FULL-TIME POSITION OF ASSISTANT
4575-2008 DEPUTY AUDITOR.

Second Reading

moved by Olesen, seconded by Corcoran to dispense with the third reading

President Butkowski: Is there any discussion? All those in favor say yes. All those opposed say no. Any abstentions?

Yes, 7 No, 0

President Butkowski: Motion passed.

moved by Olesen, seconded by Corcoran to adopt

President Butkowski: Is there any discussion?

Council Member McLaughlin: Madam President, this was postponed in July as there were ongoing discussions between the Union and the Law Director. If I could ask our Law Director if he has received any information on that.

Law Director Crites: At my last touch with the Union's Representative, they were looking for some job descriptions to review and to make sure that they were satisfied and I don't know the result of that. So, if I could ask our Safety-Service Director if they received those job descriptions and are they satisfied?

Safety-Service Director Johnson: We're still in discussions with Union Leadership. They called last week stating that it would be a couple of weeks before they could get back to us and that

would be about putting the body in the position and not about the ordinance. Therefore, we could go ahead and pass the ordinance and the issue with the Union would be putting a person in that position. I wouldn't worry about it.

Council Member Olesen: Madam President, are we saying that we need to rescind the adoption or could we still go ahead with the adoption?

President Butkowski: We are still all right with it. Mr. McLaughlin just had a question and it is all right to go forward. Is there any other discussion? All those in favor say yes. All those opposed say no. Any abstentions?

Yes, 7 No, 0

President Butkowski: Motion passed and becomes ordinance number?

Clerk of Council Blakely: 4575-2008.

Permanent Ordinance No. 4575-2008

T 97-2008 AN ORDINANCE AMENDING ORDINANCE NO. 4439-2007 BY
4576-2008 INCLUDING THE FULL-TIME POSITION OF ASSISTANT DEPUTY
 AUDITOR, AND TO CREATE AND ESTABLISH A WAGE RATE FOR THIS
 POSITION.

Second Reading

moved by Boose, seconded by Buescher to dispense with the third reading

President Butkowski: Is there any discussion? All those in favor say yes. All those opposed say no. Any abstentions?

Yes, 7 No, 0

President Butkowski: Motion passed.

moved by Boose, seconded by Corcoran to adopt

President Butkowski: Is there any discussion? All those in favor say yes. All those opposed say no. Any abstentions?

Yes, 7 No, 0

President Butkowski: Ordinance passed and that becomes ordinance number?

Clerk of Council Blakely: Ordinance number 4576-2008.

Permanent Ordinance No. 4576-2008

T 98-2008 AN ORDINANCE CREATING A NEW CLASSIFICATION AND
4577-2008 ESTABLISHING THE QUALIFICATIONS FOR THE FULL-TIME POSITION
 OF ACTIVITIES DIRECTOR AT THE OFFICE FOR OLDER ADULTS.

Second Reading

moved by Boose, seconded by Buescher to dispense with the third reading

President Butkowski: Is there any discussion? All those in favor say yes. All those opposed say no. Any abstentions?

Yes, 7 No, 0

President Butkowski: Motion passed.

moved by Boose, seconded by Buescher to adopt

President Butkowski: Is there any discussion? All those in favor say yes. All those opposed say no. Any abstentions?

Yes, 7 No, 0

President Butkowski: Motion passed and that becomes ordinance number?

Clerk of Council Blakely: 4577-2008.

Permanent Ordinance No. 4577-2008

T 99-2008 AN ORDINANCE AMENDING ORDINANCE NO. 4373-07 (AFSCME
4578-2008 CONTRACT) BY ESTABLISHING A PAY SCALE FOR THE FULL-TIME
JOB POSITION OF ACTIVITIES DIRECTOR AT THE OFFICE FOR OLDER
ADULTS.

Second Reading

moved by Boose, seconded by Buescher to dispense with the third reading

President Butkowski: Is there any discussion? All those in favor say yes. All those opposed say no. Any abstentions?

Yes, 7 No, 0

President Butkowski: Motion passed.

moved by Boose, seconded by Buescher to adopt

President Butkowski: Is there any discussion? All those in favor say yes. All those opposed say no. Any abstentions?

Yes, 7 No, 0

President Butkowski: Motion passed and becomes ordinance number?

Clerk of Council Blakely: 4578-2008.

Permanent Ordinance No. 4578-2008

T 100-2008 AN ORDINANCE CREATING A NEW CLASSIFICATION AND
4579-2008 ESTABLISHING THE QUALIFICATIONS FOR THE FULL-TIME POSITION
OF SEWER FOREMAN.

Second Reading

moved by Boose, seconded by Buescher to dispense with the third reading

President Butkowski: Is there any discussion? All those in favor say yes. All those opposed say no. Any abstentions?

Yes, 7 No, 0

President Butkowski: Motion passed.

moved by Boose, seconded by Buescher to adopt

President Butkowski: Is there any discussion? All those in favor say yes. All those opposed say no. Any abstentions?

Yes, 7 No, 0

President Butkowski: Motion passed and that becomes ordinance number?

Clerk of Council Blakely: 4579-2008.

Permanent Ordinance No. 4579-2008

T 101-2008 AN ORDINANCE AMENDING ORDINANCE NO. 4486-2007
4580-2008 (DEPARTMENT HEAD SALARY ORDINANCE) BY INCLUDING THE
FULL-TIME POSITION OF SEWER FOREMAN AND ESTABLISHING THE
PAY RATE SCALE FOR THIS POSITION.

Second Reading

moved by Boose, seconded by Buescher to dispense with the third reading

President Butkowski: Is there any discussion? All those in favor say yes. All those opposed say
no. Any abstentions?

Yes, 7 No, 0

President Butkowski: Motion passed.

moved by Boose, seconded by Buescher to adopt

President Butkowski: Is there any discussion? All those in favor say yes. All those opposed say
no. Any abstentions?

Yes, 7 No, 0

President Butkowski: Motion passed and becomes ordinance number?

Clerk of Council Blakely: 4580-2008.

Permanent Ordinance No. 4580-2008

T 107-2008 AN ORDINANCE AMENDING NRCO 234.04 CONCERNING THE LAW
4581-2008 DIRECTOR'S REPRESENTATION OF THE CITY AND EMPLOYEES.

Second Reading

moved by Olesen, seconded by Corcoran to dispense with the third reading

President Butkowski: Is there any discussion? All those in favor say yes. All those opposed say
no. Any abstentions?

Yes, 7 No, 0

President Butkowski: Motion passed.

moved by Olesen, seconded by Corcoran to adopt

President Butkowski: Is there any discussion? All those in favor say yes. All those opposed say
no. Any abstentions?

Yes, 7 No, 0

President Butkowski: Motion passed and becomes ordinance number?

Clerk of Council Blakely: 4581-2008.

Permanent Ordinance No. 4581-2008

THIRD READINGS

T 86-2008 AN ORDINANCE AMENDING NRCO SECTION 650.01 PUBLIC NUISANCE
4582-2008 DEFINED.

Third Reading

moved by Olesen, seconded by Boose to adopt

President Butkowski: Is there any discussion? All those in favor say yes. All those opposed say no. Any abstentions?

Yes, 7 No, 0

President Butkowski: Motion passed and becomes ordinance number?

Clerk of Council Blakely: 4582-2008.

Permanent Ordinance No. 4582-2008

COMMITTEE MEETING ANNOUNCEMENTS:

President Butkowski:

Next Regular Council Meeting Monday, September 15, 2008 at 7:30 P.M. in Council Chambers.

ADJOURNMENT:

moved by Corcoran to adjourn

Meeting adjourned at 9:39 P.M.

Approval of Minutes:

MOTION Jaenke 2ND Corcoran DATE September 15, 2008

YES 6 NO 0 ABSTAIN 0