

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING NOVEMBER 3, 2008**

CALL TO ORDER: 7:30 P.M.

President Butkowski: I call to order the North Ridgeville City Council Meeting of Monday, November 3 to order. 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, Engineer Larry Griffith, Law Director Andrew Crites, Auditor Chris Costin and Clerk of Council Warren Blakely.

MINUTES - Corrections (if any) and Approval:

President Butkowski:

Council Minutes of regular meeting held October 20, 2008.

moved by Jaenke, seconded by Olesen to approve

President Butkowski: Are there any corrections? Please call the roll.

Yes, 7 No, 0

Clerk of Council Blakely: Minutes are approved by a vote of seven to zero.

President Butkowski: Please note:

Parks & Recreation Commission Minutes of regular meeting September 24, 2008;

Board of Zoning & Building Appeals Minutes of regular meeting October 16, 2008; and

Board of Drainage & Flood Control Minutes of regular meetings April 23, 2008 and October 22, 2008.

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 at a later date. You will have three minutes to address Council. The first person that comes up to the mic., please turn it on. Is there anyone who would like to speak tonight?

1) Terry Gilles, owner of 4 Corners Security Solutions in North Ridgeville, spoke regarding T 151, an ordinance allowing nonlethal electric fences in the City. He explained that he has a large employer in the City that is requesting this type of fence for security purposes. He continued to explain the need for this type of security fence and requested that Council pass the ordinance this evening.

President Butkowski: Thank you. Is there anyone else who would like to speak tonight? We will move on to our Administrators Reports. Mayor Gillock?

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you, Madam President and good evening to all. I have a fairly short report this evening. First, I would like to request an Executive Session during Council's Recess to discuss litigation.

 moved by Mayor Gillock, seconded by Olesen to move into Executive Session to discuss litigation

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. Next, I would like to inform you of the receipt of a grant, which the City of North Ridgeville is a partner. The State government, through the Local Government Services and Regional Collaboration Grant program, made available a one million dollar-state wide program; collaborative in nature, where Counties, Cities, Villages and so forth could work together. The Lorain County Mayor's Association made a recommendation to the Lorain County Community Alliance to apply for a grant, which the Public Services Institute of the Lorain County Community College put together for us. In 1997 the County Engineer's office had a storm water management study done for the whole county through K. E. McCartney. We asked that a grant be made to update that particular storm water project and we were one of 15 communities or grants throughout the entire State that was awarded. We will receive 80,000 dollars to update that program. It is a real good example of different governments working together for a very worthwhile project. This is something that we really need to stay on top of as Larry gives us his report every week in terms of storm water management. We are really appreciative that we were able to get that grant.

I would also like to remind everyone, as I mentioned this during the last meeting, that next Tuesday; a week from tomorrow, is Veteran's Day. We will have a normal trash pick up. Allied Waste does work that day. Again, have your trash out Monday night or Tuesday morning and it will be picked up on the regular scheduled day.

Lastly, I would like to remind everyone to go to the poles tomorrow. The polls open up at 6:30 A.M. and close at 7:30 P.M. Please do your part. Thank you.

President Butkowski: Thank you, Mr. Gillock. We'll move on to Safety-Service Director, Mr. Johnson.

B. Safety-Service Director:

Safety-Service Director Johnson: Thank you, Madam President. T 149 on your agenda tonight is a resolution to pay Signal Services for emergency repairs to a traffic signal damaged by the recent windstorm. This is the one at Barton and Center Ridge. I ask that this be passed tonight, so we can pay this vendor.

I have here tonight, a couple samples of cemetery wreaths. These are made by the craft ladies of our Senior Center. These items and others are for sale at the Senior Center. The two I have here are only 12 dollars each or 15 dollars including the stand that they are on. They are taking orders until November 10th for pickup starting November 24th. Stop in weekdays and look at what these talented ladies have created. Thank you and that concludes my report.

President Butkowski: Thank you, Mr. Johnson. Moving on to the Engineer, Mr. Griffith.

C. Engineer:

Engineer Griffith: Thank you Madam President. Here are a few fall items for a home owner to consider.

If you have space on your property, put raked leaves and other yard wastes in a compost bin and keep these materials out of our ditches and landfills and don't forget to add any organic materials cleaned out of your gutters, too. Compost can be a rich, organic soil conditioner for your lawn and garden.

Use insulation made from recycled paper, glass and other recovered materials, replace old insulation or add additional insulation to your attic.

Check your furnace or heat pump and change the filter or have other repairs made if needed.

Properly maintaining your furnace will conserve fuel by keeping it running efficiently and reduce the potential of carbon monoxide by preventing leaks.

Clean and properly store tools, toys, and outdoor furniture to protect them from damage, allowing you to keep them longer instead of sending them to the landfill.

Check caulking around windows and do touch ups to conserve energy and natural resources.

That concludes my report this evening.

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

D. Auditor:

Auditor Costin: Thank you, Madam Chairman. No report scheduled for this evening.

President Butkowski: Thank you.

E. Other Reports:

President Butkowski: We have no Other Reports. Will our Clerk please read our Council Committee Reports?

COUNCIL COMMITTEE REPORTS:

Clerk of Council Blakely:

1) STREETS, SIDEWALKS & BRIDGES COMMITTEE REPORT #5731 dated October 20, 2008: Members of Council: We have considered the matter of T 140, 2008, an ordinance accepting Victory Lane and dedicating it for public purposes; and T 141-2008, 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 construction of improvements to Victory Lane, including sanitary sewers, storm sewers, water main, roadway pavement, and water quality basins, together with necessary appurtenances and work-related incidentals thereto, not to exceed \$1,500,000.00 and recommend that this request be approved and the above legislation be adopted by Council.

Signed: Members Corcoran and Jaenke and Chairperson McLaughlin.

 moved by McLaughlin, seconded by Corcoran to accept

President Butkowski: Is there any discussion?

Council Member Boose: Madam President. I still have some concerns and questions about the

specifics of the project going on back there and specifically, the plans for the development, the agreement with Sports Zone, the lease agreements and the final agreement with the adjacent land owner. Thank you.

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

Yes, 6 No, 1 (Boose)

Clerk of Council Blakely: Motion is approved by a vote of six to one.

2) UTILITIES COMMITTEE REPORT #5738 dated October 28, 2008: Members of Council: We have considered the matter of T 137-2008, an ordinance authorizing payment of a sewer tap-in fee over a five year period on an annual basis for a government entity the political subdivision of the City of Avon and recommend that this request be approved and legislation be adopted by Council.

Signed: Members Buescher and McLaughlin and Chairperson Olesen.

 moved by Olesen, seconded by McLaughlin to accept

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.

3) UTILITIES COMMITTEE REPORT #5739 dated October 28, 2008: Members of Council: We have considered the matter of T 138-2008, an ordinance amending NRCO Section 1046.10, Service Connections, and adding water main location to that Section and recommend that this request be approved and legislation be adopted by Council.

Signed: Members Buescher and McLaughlin and Chairperson Olesen.

 moved by Olesen, seconded by Buescher to accept

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 Member Buescher: Madam President. City Council has before it this evening, two reports from the Building and Lands Committee.

 moved by Buescher, seconded by McLaughlin to suspend the By-Laws to submit for the record the two Building and Land Committee Reports of the meeting of October 28, 2008

President Butkowski: Do we have 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 Member Buescher: Madam President. Will the Clerk please read the reports?

Clerk of Council Blakely:

4) **BUILDINGS & LANDS COMMITTEE REPORT #5736** dated October 28, 2008:

Members of Council: We have considered the matter of granting preliminary approval for the proposed Planned Community Development situated on approximately 218 acres between Avon Belden Road and Stoney Ridge Road and known as Hampton Place PCD and recommend that this request be denied and legislation be defeated by Council

Signer: Members Olesen and McLaughlin and Chairperson Buescher.

 moved by Buescher and seconded by McLaughlin to accept the report of the Building and Lands Committee denying the preliminary plan for a Planned Community Development

President Butkowski: Is there any discussion?

Council Member McLaughlin: Madam President, I have a question for the Law Director. This does not deny the project. It is just the acceptance of the report. Is that correct?

Law Director Crites: That is exactly correct. That vote will be taken at a later date.

President Butkowski: Is there any other discussion?

Council Member Buescher: Madam President. We have two issues to vote on there.

President Butkowski: We have to vote on these individually. We can't double up on them. Is there any other discussion on report number 5736? Please call the roll on 5736.

 Yes, 7 No, 0

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

2) **BUILDINGS & LANDS COMMITTEE REPORT #5737** dated October 28, 2008:

Members of Council: We have considered the matter of 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. and recommend that this request be denied and legislation be defeated by Council.

Signer: Members Olesen and McLaughlin and Chairperson Buescher.

 moved by Buescher and seconded by McLaughlin to accept the report of the Building and Lands Committee denying the rezoning of 218 acres of Residential One zoned land to Planned Community Development land

President Butkowski: Is there any discussion?

Council Member Olesen: Madam President. I think this one goes hand in hand with the first issue. If we didn't approve the first one, we certainly can't approve this one.

President Butkowski: Is there any other discussion?

 Yes, 7 No, 0

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

President Butkowski: We'll move on to Correspondence. We only have one tonight.

CORRESPONDENCE:

President Butkowski:

1) Letter from City of Avon, Mayor James Smith, informing Council of a meeting regarding regionalization of Northeast Ohio and believes more education and meetings should be scheduled for this purpose.

President Butkowski: Clerk, please read our Old Business that we have tonight.

OLD BUSINESS:

Clerk of Council Blakely:

T 124-2008 AN ORDINANCE AMENDING ORDINANCE NO. 4534-2008 REGARDING
4601-2008 THE CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S SANITARY
AND STORM SEWER SYSTEMS AND WATER MAINS ON DYKE AVENUE
AND THE SURROUNDING AREA, TOGETHER WITH NECESSARY
APPURTENANCES AND WORK-RELATED INCIDENTALS THERETO, BY
INCREASING THE AMOUNT FROM \$3,900,000.00 TO \$4,000,000.00.
moved by Mayor Gillock, seconded by McLaughlin to adopt

President Butkowski: Do we have any discussion?

Council Member Boose: Madam President, yes. At the last meeting, the Auditor had requested that we not pass this at that time. At that time, the bonds had not yet been sold to pay for the project. Since that time, the bonds have been sold and we can move forward. Thank you.

President Butkowski: Thank you. Do we have any other discussion?

Mayor Gillock: Madam President, the bonds are actually in the process of being collected.
moved by Mayor Gillock, seconded by McLaughlin to add the emergency due to
weather conditions and to get started on this as soon as possible

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

Yes, 7 No, 0

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

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

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero and becomes ordinance number 4601-2008.

Permanent Ordinance No. 4601-2008

President Butkowski: We will move on to New Business tonight. Before I ask the Clerk to read the New Business,

 moved by Butkowski, seconded by Corcoran to suspend the By-Laws to make the Auditor's Report and Planning Commission Meeting Report due on 11/14/08 for the Council Meeting on 11/17/08

President Butkowski: The reason for this motion is because Veteran's Day slides the whole schedule around for when all these reports are due and it would be pretty inappropriate for these two with moving the schedule around. This happens once every six or seven years. Do we have any discussion?

Council Member Boose: Madam President, could you repeat the motion?

President Butkowski: I made a motion to suspend the By-Laws to make the Auditor's Report and the Planning Commission Meeting Report due on 11/14/08 for the Council Meeting on 11/17/08. It won't affect us. It will just affect the Clerk of Council's office. Is there any other discussion? Please call the roll.

 Yes, 7 No, 0

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

President Butkowski: We can move on to New Business.

NEW BUSINESS:

Clerk of Council Blakely:

T 149-2008 RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO SIGNAL SERVICE COMPANY FOR REPAIRS TO A TRAFFIC SIGNAL IN THE AMOUNT OF \$13,271.74.

 moved by Boose, seconded by McLaughlin to suspend the By-Laws to give T 149 its first reading

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 to zero.

T 150-2008 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ENTER INTO VARIOUS AGREEMENTS WITH THE LORAIN COUNTY SOLID WASTE MANAGEMENT DISTRICT.

 moved by Mayor Gillock, seconded by Olesen to suspend the By-Laws to give T 150 its first reading

President Butkowski: Is there any discussion?

Mayor Gillock: Madam President, you can see in the third whereas, that there is a deadline of

November 14. We need to adopt this, this evening with the emergency to meet that deadline.
President Butkowski: Thank you. Is there any other discussion? Clerk, please call the roll.

Yes, 7 No, 0

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

T 151-2008 AN ORDINANCE AMENDING NRCO SECTION 660.12 FENCES,
ALLOWING FOR COMMERCIAL NONLETHAL ELECTRIC FENCES.

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

T 152-2008 AN ORDINANCE AMENDING NRCO SECTION 1020.99, THE PENALTY
SECTION OF CHAPTER 1020 STREETS, UTILITIES AND PUBLIC
SERVICES CODE, IN ORDER TO ELIMINATE A CONFLICT WITH NRCO
SECTION 1020.12(D).

President Butkowski: I WILL REFER THIS TO STREETS, BRIDGES AND SIDEWALKS.

T 153-2008 AN ORDINANCE AMENDING NRCO SECTION 1040.11 MAINTENANCE
OF PRIVATE SEWERS, AND CLARIFYING HOMEOWNER'S
RESPONSIBILITY.

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

T 154-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY
LAW WITH A CONSULTING ENGINEERING FIRM FOR PLANS,
SPECIFICATIONS, BIDDING DOCUMENTS AND CONSTRUCTION PHASE
SERVICES FOR THE LORAIN ROAD (ROOT ROAD TO HONEYCUT
DRIVE) RECONSTRUCTION, PHASE 3A, INCLUDING APPURTENANCES,
NOT TO EXCEED \$100,000.00.

President Butkowski: We will move on to the Recess and we will be having our Executive Meeting. We will return soon.

RECESS:

Adjourned to Executive Session at 8:00 P.M.

Reconvened at 8:14 P.M.

FIRST READINGS:

Clerk of Council Blakely:

T 149-2008 RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO SIGNAL
1147-2008 SERVICE COMPANY FOR REPAIRS TO A TRAFFIC SIGNAL IN THE
 AMOUNT OF \$13,271.74.

First Reading

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

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

Yes, 7 No, 0

Clerk of Council Blakely: Vote is seven to zero in favor.

moved by Boose, seconded by Olesen to adopt

moved by Mayor Gillock, seconded by Olesen to add the emergency clause as this has been out there for quite some time and we need to get it paid as soon as we can

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 passes by a vote of seven to zero.

President Butkowski: A motion was made by Boose and seconded by Olesen to adopt with the emergency. Is there any discussion? Clerk, please call the roll.

Clerk of Council Blakely: Motion passes by a vote of seven to zero and becomes resolution number 1147-2008.

Permanent Resolution No. 1147-2008

T 150-2008 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4602-2008 RIDGEVILLE, OHIO, TO ENTER INTO VARIOUS AGREEMENTS WITH
 THE LORAIN COUNTY SOLID WASTE MANAGEMENT DISTRICT.

First Reading

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

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 to zero.

moved by Boose, seconded by Buescher to adopt

moved by Boose, seconded by Buescher to add the emergency in order to meet the November 14, 2008 filing deadline

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: Emergency passes by a vote of seven to zero.

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

Clerk of Council Blakely: T 150 passes by a vote of seven to zero and becomes ordinance number 4602-2008.

Permanent Ordinance No. 4602-2008

President Butkowski: We'll move on to T 112.

Council Member Olesen: Madam Chairman, may I ask a question please?

President Butkowski: Yes, Mr. Olesen.

Council Member Olesen: Those that have been referred to First Reading should go to the rear of the stack. Am I right on that? Because this has confused everyone as they are all shuffling papers around.

President Butkowski: Yes, most of the time, we move them to the back. It doesn't make any difference, because it is all First Readings. It is legal, what we did.

Clerk of Council Blakely:

T 112-2008 AN ORDINANCE WAIVING THE SEWER INTERCEPTOR FEE FOR
REVISED THE ORIGINAL R-1 HAMPTON PLACE SUBDIVISION AS
SUBMITTED/APPROVED JUNE 2007 FOR IMPROVEMENTS FOUND TO
BENEFIT THE CITY.
First Reading

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.
First Reading

T 148-2008 A RESOLUTION GRANTING PRELIMINARY APPROVAL FOR THE PROPOSED PLANNED COMMUNITY DEVELOPMENT SITUATED ON APPROXIMATELY 218 ACRES BETWEEN AVON BELDEN ROAD AND STONEY RIDGE ROAD AND KNOWN AS HAMPTON PLACE PCD.
First Reading

President Butkowski: Our Second Readings tonight is T 110.

SECOND READINGS:

Clerk of Council Blakely:

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

THIRD READINGS:

President Butkowski: We have no Third Readings this evening.

COMMITTEE MEETING ANNOUNCEMENTS:

President Butkowski: Upcoming meeting announcements:

Next Regular Council Meeting Monday, November 17, 2008 at 7:30 P.M. in Council Chambers.

Public Hearing to be held Monday, December 1, 2008 at 7:00 P.M. regarding the preliminary plan for a PCD (Planned Community Development) located on approximately 218 acres situated between Avon Belden Road and Stoney Ridge Road and known as Hampton Place

Public Hearing to be held Monday, December 15, 2008 at 7:00 P.M. regarding T 108-2008, re-zone approximately 218 acres situated between Avon Belden Road and Stoney Ridge Road from R-1 Residence District to PCD Planned Community Development as Petitioned by Anthony M. Valore, Valore Properties, Inc.

President Butkowski: I also want to remind everyone to vote tomorrow. The polls will be open between the hours of 6:30 A.M. until 7:30 P.M.

