

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JULY 16, 2001**

CALL TO ORDER 7:30 P.M.

President of Council Jean Brown: I would like to call the North Ridgeville Municipal Council Regular meeting to order, July 16th, year 2001. Please stand for the Invocation and the Pledge of Allegiance.

INVOCATION by Council President Brown.

PLEDGE OF ALLEGIANCE by all.

ROLL CALL

Present were Council Members Larry Overby, Allen Swindig, Karen Borocz, Gail Minnick, Bernadine Butkowski and David Gillock and President of Council Jean Brown.

Also, present were Mayor Deanna Hill, Safety-Service Director Jim Johnson, Law Director Eric Zagrans, Engineer Stewart Lovece, Auditor Chris Costin and Clerk of Council Jim White.

MINUTES

President Brown: Please note the:

Regular Council Minutes of July 2, 2001

motion by Swindig to accept, 2nd by Overby

President Brown: Any discussion? Any corrections?

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

President Brown: Please note the Board of Drainage & Flood Control Minutes of June 27, 2001.

COMMITTEE REPORTS None

MAYORS REPORT

Mayor Hill: Yes, Madame President. Last spring, I had submitted a request to City Council for funds for a community newsletter. Examples of newsletters from other cities were reviewed and Council approved the monies. We are now ready with our very first newsletter, to arrive at your home within the week. Inside you will find articles from different city departments as well as important telephone numbers. The newsletter will be done on a quarterly basis. After you receive it, if you have comments or suggestions, please call my office. I have a preview copy here, it's called, North Ridgeville Town Talk, and I will make a copy available to the Council Members after the meeting or during the break.

We are finally ready to begin automated debit payments for water, sewer and refuse. Your utility payment will be automatically deducted from your bank account with this service should you choose to use it. It is free and will not affect the way you receive your bill, only how it's paid. You will still receive a utility bill each month, but it will instruct you not to pay the bill and that the payment will be deducted from your bank account. The payment will not be deducted from your account until the due date indicated on the bill. The first month after signing up, a pre note, which is a zero dollar transaction, will be processed in order to test the information and make sure that all account and routing numbers from your bank are correct. The following month will begin live automatic payment of your monthly utility bill through your bank account. We are currently signing up customers during the month of July for the first pre note file that will be produced with the August 2001 billing. The first live or real file will be produced with the September 2001 billing file. I feel pretty safe about it. In fact, I was the first one to sign up when it became available this past week. Anyone interested in signing up for this free service may come to the Utilities Department in City Hall for an authorization form. For further information or questions, please call the Utilities Department at 353-0840, 0841, 0843 or 353-0855.

NOACA, which is short for the Northeast Ohio Areawide Coordinating Agency, began a study of on-lot and off-lot septic tanks in a seven county area in 1998. The Agency worked with the health commissions in those counties to test the systems that have been installed since 1979. In summary, the studied septic tanks installed since 1979, found that up to one in five of on-lot septs are surfacing septage or effluent. For off-lot systems, where it drains off the lot, up to one-half have mechanical problems and up to one in three are discharging visibly poor effluent. Two-thirds of the collected effluent from on and off-lot septic systems did not meet minimum regulations for fecal coliform from the systems installed since 1979. So, you can imagine what the results would be with systems installed prior to 1979. As a result of the study, at the NOACA meeting last week, of which I am a member, a resolution was unanimously passed to urge the Ohio General Assembly to enact stronger legislation for site evaluation, to promote the use of best available technology and to support limiting the level of discharge permitted in the future by off-lot systems.

Click Davis' term on the Fair Housing Board has expired. I would like to reappoint him for a term that expires on June 30, 2004. I am now making that motion.

motion by Mayor Hill to appoint Click Davis to the Fair Housing Board for the term
expiring June 30, 2004, 2nd by Swindig

President Brown: Any discussion on the motion? Please take roll Mr. White.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero.

Mayor Hill: We received a letter from Ohio EPA this morning. Since it did not meet Council cloture, I will read it now. I think it will clarify some misunderstandings and Council, once

again, will receive a copy during break or at the conclusion of the meeting.

This correspondence is being written pursuant to your July 12, 2001 telephone conversation with Mr. John Januska of this office, regarding approval and inspection of sanitary sewers in the Meadow Lakes Subdivision project.

As you are aware, this Agency is finalizing Findings and Orders to the developer for initiation of sanitary sewer construction without approval. Upon obtaining the developer's signature, and the payment of requested fines, this Agency will issue a Permit to Install for the project.

While this Agency was pursuing Findings and Orders, and the City was dealing with local issues, some confusion may have occurred as a result of media coverage. For clarification, the Ohio EPA has approval authority for sanitary sewers on both private and public properties.

Coordination between our offices and the City on inter and intra-community sanitary sewer projects is essential. This office will notify the City of all sanitary sewer projects that are received for areas served by the City of North Ridgeville wastewater treatment plant.

Should there be further comments or questions regarding this matter please contact this office.

Prepared by Charles Allen, Reviewed by John Januska.

That completes my report.

President Brown: Is there any questions on the Mayor's oral report? Anyone? Moving on to the Safety-Service Director, Mr. Johnson.

SAFETY SERVICE DIRECTOR'S REPORT

Safety-Service Director Johnson: Thank you, Madame President. Ditch cleaning and piping was performed on Ridgeview, Case, Broad, Gloria, Chestnut Ridge, Ridge Plaza and the ditch that runs on the east side of the CornFest Parking lot.

There was a water break on Laurel Circle. Not only did this involve a water break, it involved installing a new service line and replacing the main line, which will be done on Tuesday, July 17, 2001. There was a nasty water break on Chesterfield this past weekend.

Concrete pads were poured on Emerald and Opal.

The process of partial depth repair was performed on Meadow Moss the week of July 2nd.

Spot berming, street patching, roadside mowing, landscaping and weed whipping took place as manpower and time allowed. That concludes my report.

President Brown: Any questions of the Safety-Service Director's oral report? None? Seeing none, moving on, to Mr. Lovece, Engineer's report.

ENGINEER'S REPORT

Engineer Lovece: Thank you Madame President. I would like to summerize a few of the engineering projects since I'll be leaving at the end of the month. The water tower painting will commence this week. They're going to start in the interior of the tank. Total duration of that operation is about two months. The outside of the tank is going to be painted a light blue and little bit of gray in it to match our Cleveland skies, but it should, kind of, blend in nicely with the surroundings. Also, part of the project, the entire parking lot around Old Town Hall will be paved. There's a museum under construction for the old fire truck. I think it will look sharp when it's done. In fact, some of the news media expressed an interest in doing a story about, some of the television news media, expressed an interest in doing a story about the tower and the offices that are intended for the inside.

Bainbridge Road reconstruction. The final asphalt pavement should be done at the end of the month, before the Corn Festival. At any rate, if it gets delayed, we won't impact the Corn Festival. We'll either get it done before or after. Hopefully before. The sod should commence this week on the south side of Bainbridge and there's already, punch list work of some of the minor corrective work that has to be done that's under way.

FEMA flood map revision. According to the engineer that we hired, R.E. Warner and Associates, the flood map revision for French Creek and Robison Ditch west, should be approved in approximately one month. Now, they talked to FEMA and I'm hoping that will have approval. A developer has also performed a FEMA map study for Robison Ditch east and we were informed that this should also be approved shortly. So, within the next month or so, I would anticipate that about 125 families will be taken out of the flood plain and this is great news. I can't wait. Working with the Federal Government is not fun. It's been constant nit picking but, you know us engineers.

Sheffield, Avon sanitary sewers tap-ins. I'm sure you're aware there was a recent article in some of the papers and I've referred that information to the Law Department and we are working with Sheffield and Avon to improve the communication and stream line things so we get the money we're entitled to. I had mentioned about 2.2 million dollars and that was based on the numbers that Sheffield provided to the EPA. But, what triggers that number, is once buildings are built, to tie into the sewer and I understand there are no buildings, it's just an empty pipe, but, that's something we will be addressing with Sheffield because they did not get a permit and they are tying into our sewer and that's not the right thing to do.

Last but not least. Center Ridge Road sanitary sewer project. That's our next focus, providing

sanitary sewers from Race Road to the Elyria line and we're looking into, the Mayor and I are looking into the possibility of getting up to four hundred thousand dollars in grant money from the Ohio Public Works Commission that the Mayor is Chairman of and, no influence. We're going to try. Right now we've asked the Health Department to conduct bacteria samples and that's something we actually promised the newspapers we would do. We conducted the samples in February when the bacteria counts are expected to be at their lowest. Now, in July we should be able to get a good comparison for that information with some other documentation too, for the Ohio Public Works. It's worth a try to see if we could get funding. That concludes my report. Thank you.

President Brown: Thank you Mr. Lovece. Any questions of the Engineer's oral report? Moving on to the Auditor, Mr. Costin.

AUDITOR'S REPORT

Auditor Costin: Madame Chairman, there are two items of business I'd like to discuss. Number one is, you should of received your June report and I request that you pass that.

Auditor's Written Financial Report for June 2001.

motion by Swindig to accept, 2nd by Borocz

President Brown: Any discussion? Take roll please, Mr. White.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero.

Auditor Costin: The second item of business is under new business, T 102-2001, it is our annual budget. This document is the first part of the fiscal puzzle for 2002 and we're required to estimate our best guess revenues for 2002 and submit that to the County Auditor by July 15th. Since July 15th came on a weekend we can produce that to them, we have an automatic extension to send that to them next week. I will request though, that you pass it tonight with the emergency so we can go ahead and get this on a timely basis to the County Auditor. I'd be glad to explain it in more detail at this time if you like, or defer until it should come up for its' first reading.

President Brown: I think we'll wait until it comes up for its' first reading.

Auditor Costin: No other comments.

President Brown: Thank you Mr. Costin. Any questions of Mr. Costin's oral report? Seeing none, moving on to Mr. Zagrans, the Law Director's report.

LAW DIRECTOR'S REPORT

Law Director Zagrans: Thank you Madame President. I surmise that one of the items that may be discussed tonight will have something to do with an ice cream truck and for Council's benefit

and to inform the discussion that I anticipate you'll be having and participating in, I would like to make sure that the Council Members are aware of the existing ordinances that are on the books and what they say. Now the first is our Codified Ordinance Number 432.42. This was enacted on October the 20th, 1969 and it reads quote, no owner or operator of any vehicle shall use such vehicle or permit the same to be used on the streets of the City for the vending of any merchandise, end quote. Please notice, it does not specifically single out food. It certainly doesn't go to the level of specificity of an ice cream or popsicle truck, but rather prohibits vending anything from any vehicle being operated on a City street. The second ordinance, actually comprises a chapter in our Codified Ordinances, it's Chapter 854 dealing with peddlers, canvassers and solicitors. This Chapter was adopted by Council on January 4, 1971. A little over a year after the vending from vehicles on streets ordinance was and Section 854.01 defines the term peddler, canvassers or solicitor to mean someone who offers for sale any good by going from place to place through the streets of the City. Again, not singling out food, but rather includes food and broadens that to be any good or any chattel and the particular prohibition that is set fourth in that ordinance by the Council which adopted it 30 years ago is Section 854.02, no person shall solicit the sale of any, and it gives a list of items including food, on any public street or sidewalk. So, this ordinance is actually broader than the former one that I discussed. This prohibits the sale of anything on any public street or sidewalk regardless of whether it's being vended from a vehicle or not. I am sure that every 30 years, at least there should be a re-examination and a discussion of whether a law that was put on the books 30 plus years ago still makes sense. I am looking forward to hearing what everybody has to say on it. I merely wanted to make sure that Council Members were aware of what the laws that we presently have were. Thank you Madame President, that concludes the Law Department report.

President Brown: Thank you Mr. Zagrans. Does anyone have any questions of Mr. Zagrans oral report? None, moving on.

OTHER REPORTS

President Brown: Please note, Police Department Support Car Report for June 2001.

Parks & Recreation Commission Liaison Report:
Council Member Overby: No report this evening.

Senior Citizens Advisory Board Liaison Report:

President Brown: As a Senior Citizens Advisory Board liaison, Mayor Hill, I thought maybe, perhaps you would want to mention about the new van that we have been awarded by the State of Ohio and you didn't. So may I do that?

Mayor Hill: Certainly.

President Brown: The State of Ohio awards five vans per year throughout the State of Ohio to a Senior Citizens group and Mrs. Balog and Mayor Hill had put in their application for one of

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING JULY 16, 2001**

Page 7

these vans and we have been approved. It takes a year for that van to come in. But, I just thought we should be very, very proud that we are going to be the recipients of a brand new van from the State of Ohio, handicap, to haul our senior citizens around. I'm very, very happy.

Planning Commission Liaison Report:
Council Member Gillock: Planning will be meeting next Tuesday.

OLD BUSINESS None

NEW BUSINESS

Council Clerk White:

T 102-2001 An ordinance adopting and approving the Budget of the City of North Ridgeville, Ohio for the fiscal year beginning January 1, 2001, and submitting the same to the Lorain County Auditor.

 motion by Gillock to suspend By-Laws so that this can have its' first reading this evening,
 2nd by Borocz

President Brown: Any discussion? None, please take a vote on the suspension of the By-Laws.
 Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. T 102-2001 will have first reading tonight.

T 103-2001 An ordinance amending Codified Ordinances Section 1294.03 - Detached Private Garages and adding Out-Buildings.

Council Member Butkowski: I would like to amend that, this T 103, to read under Section 3, after pitch roof, the next sentence, no building shall be more than one story tall or 15 feet in height.

 motion by Butkowski to amend to read under Section 3, after pitch roof, the next
 sentence, no building shall be more than one story tall or 15 feet in height, 2nd by Minnick

President Brown: Is there any discussion? Mrs. Butkowski, does this mean that if there are buildings already that have been built and they are say, one and a half stories, I know one right across the street from my home, do they stay?

Council Member Butkowski: No. You can't go retroactive. You can't make them tear down the building.

President Brown: That's what I wanted to know. They can't be torn down.

Council Member Butkowski: No.

President Brown: Any other discussion? None, let's take the roll call.
 Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero on the amendment for T 103-2001.

 motion by Butkowski to suspend By-Laws to have a first reading on this tonight, 2nd by
 Minnick

President Brown: Any discussion?

Safety-Service Director Johnson: Madame President, also discussed in that was an area of size of a half acre or less that this would be in effect on. That should be in there.

Council Member Butkowski: That's fine. I didn't know if we agreed on that or not.

Safety-Service Director Johnson: I think that should be in there. We can do that before they pass it.

Council Member Butkowski: Should I amend it now?

President Brown: Should it be amended now Mr. Zagrans?

Law Director Zagrans: There's already a motion that's been seconded on the floor. We have to vote on that first and the time for another motion to amend, therefore, would be when it comes up for first reading.

Council Member Butkowski: Can I just withdraw my motion?

Law Director Zagrans: You can withdraw it with the support of the seconder.

Council Member Butkowski: Okay, I'll withdraw it so we can amend it properly.

Council Member Minnick: I'll withdraw my second.

President Brown: Moving on to the next one.

Law Director Zagrans: Now there's going to be a motion to amend, as I understand it.

Council Member Butkowski: We have to do that before we have a first reading, to amend that under Section 3 also, that this affects, where it says the agricultural. It will be under Section 4, it's a regulation that does not apply to agricultural zoned districts or property, and also would be on a building site one-half acre or less. That would say, where it does not apply, so you would have to have that.

Law Director Zagrans: Does not apply to a site greater than one-half acres.

Council Member Butkowski: Greater than one-half. That's what it would be.

President Brown: You getting that down Mr. White?

Clerk of Council White: Absolutely. I don't take shorthand dear. I have it.

motion by Butkowski to amend Section 4 to read, Regulation of outbuildings does not apply to agriculturally zoned districts or property greater than one-half acre, 2nd by Minnick

President Brown: Is there any discussion? Seeing none, please take roll.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero on the second amendment to T 103-2001.

motion by Butkowski to suspend By-Laws and have a first reading tonight, 2nd by Minnick

President Brown: Is there any discussion? Seeing none.

Council Member Swindig: Yes Madame Chairman, I think this should be referred to committee on this because I think what you're doing is, we're trying to clean up the City and if they have a garage or an out building to put it in, I would rather see it in a garage or an out building instead of in a back yard in the open. So, I think this should be referred to committee.

Council Member Gillock: Madame President, also, because this is a zoning ordinance, I believe this automatically has to be referred to the Planning Commission and have a hearing.

President Brown: Mr. White, please make note that it goes to the Planning Commission and I will assign it to Buildings & Lands.

Clerk of Council White: You have a motion on the floor. You can't do that at the moment.

Law Director Zagrans: Right. This is all debate, but there is still a motion that's on the floor.

President Brown: Okay, keep talking. Well, take a vote then.

Clerk of Council White: To suspend By-Laws for first reading.

Yes, 3 No, 4 (Overby, Swindig, Borocz, Brown)

Clerk of Council White: By-Laws do not get suspended. Now, you may refer.

President Brown: I would like to refer this to the Buildings & Lands Committee. Is that you Mr. Overby?

Council Member Overby: Yes it is.

President Brown: I would like to have a report back, perhaps in two weeks if possible.

Council Member Overby: How about September.

President Brown: That's right, we won't have a meeting in August.

Council Member Swindig: Madame Chairman, also, I suggest you refer that to Planning Commission.

President Brown: Planning Commission too.

Clerk of Council White: Are you doing that Madame.

President Brown: Yes I am, Planning Commission and Buildings and Lands and the first opportunity that we have another meeting, bring it up.

REFERRED TO THE BUILDINGS AND LANDS COMMITTEE AND PLANNING COMMISSION.

T 104-2001 An ordinance of the City of North Ridgeville, Lorain County, Ohio, prohibiting the use of special engine brakes on any motor vehicle operated within the City of North Ridgeville.

T 105-2001 An ordinance creating the requirement of sidewalks when a residence, commercial building, or industry is sold or otherwise changes ownership.

Mayor Hill: Madame President, I introduced this ordinance in an effort to stop the patch work sidewalks that we have. Because right now, new homes and new construction, under certain stipulation, requires a sidewalk. So, therefore, we end up with old homes mixed with new homes. Sidewalks, no sidewalks, sidewalks and so fourth. This is our first attempt. We didn't have a lot to go on as far as other cities to draw and research. So, I would ask that this be sent to the appropriate committee for consideration and further talk so that we do it correctly.

President Brown: Street and sidewalks. Who is the chairperson of that?

Council Member Borocz: I am.

REFERRED TO STREETS, SIDEWALKS AND BRIDGES.

CORRESPONDENCE

Clerk of Council White:

1) Received notification from the Lorain County Community Alliance that the NOACA Board will meet in Lorain County on July 13, 2001 at 10:00 A.M. at the Lewis Center for Environmental Studies in Oberlin.

2) Received a letter from Dale R. Haywood, P.E., requesting favorable consideration in regard to the Joe Marsico proposed sanitary sewer extension.

Council Member Gillock: Madame President, I'd like to have that referred to Planning.

President Brown: Have it referred to Planning, okay.

REFERRED TO PLANNING COMMISSION.

3) Received from Auditor Chris Costin the 2002 Tax Budget.

LOBBY

President Brown: I will allow you to speak for two minutes. After you give your name and address the timer will be started and I will gavel you if you go beyond the two minutes. Anyone wishing to speak? There also is a paper that has to be filled out in the back and left on the podium.

1) Lia Muir of 5228 Birch Street, from Two Mom's Ice Cream, gave background information about herself and stated that she is looking to do a nice thing for this town. Asked that Council consider changing the ordinance regarding vending from a motor vehicle. Stated that she has looked into safety aspects that might help improve this. Spoke about their safety issues in driving. Stated that she frequently has children selling candy to her door to door and asked if the ordinance applies to that as well as a lemonade stand. Spoke about community support and ask that that be taken into consideration.

Law Director Zagrans: Madame President, move to suspend By-Laws to allow me to answer Mrs. Muir's question now, rather than waiting until the end of lobby.

so moved by Swindig, 2nd by Gillock

President Brown: Take a vote please.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero.

Law Director Zagrans: Thank you. Mrs. Muir, the definition of who is covered by the law specifically excludes minors under the age of 18. So, minors under the age of 18 are not prohibited. So, for example, Girl Scouts can go door to door, really, kids can do pretty much anything reasonable that they want. The law is aimed only at persons over the age of 18. By the way, the theory behind that, I'm surmising this because I wasn't here 30 years ago when this was adopted, but I believe the rational is that someone over the age of 18 would be engaged in a commercial enterprise, whereas, minors, children, would be doing something for a church or for a scout troop or a school or something like that rather than a for profit business.

President Brown: Thank you. Anyone else wishing to speak during lobby? I will allow you two minutes.

2) Michelle Kroboth of 32884 Fern Tree Lane spoke in regard to the ice cream truck ordinance. Pointed out the safety issues of the truck. Spoke about streets posted more than 25 miles per hour. Stated that they are doing everything possible to keep children safe and it's also the parents responsibility to teach their children safety and awareness of the streets. Feels that an amendment to this ordinance would be positive. Stated that a lot of things have changed and they're willing to compromise in anyway to try and make everybody happy on this issue.

3) Dale Haywood, professional engineer representing Joe Marsico, who owns property on Case Road, stated that since the June 18th Council meeting he has provided Council with additional information regarding project specifics and Council Member Gillock has requested that project back to Planning. Asked where they stand in the procedural approval of this project.

President Brown: Do you want to answer him Mr. Gillock?

Council Member Gillock: Yes I would please.

President Brown: We need a motion.

so moved by Overby, 2nd by Swindig

President Brown: Any discussion? Please take roll.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero.

Council Member Gillock: The original application was tabled and not taken off of the table at the subsequent meeting, so it basically became a dead issue. The discussion was over. Your letter, correspondence allowed us to refer it to Planning to basically reconsider the issue starting over at square one at Planning Commission. Because it's referred through Council, you won't have to make an application or a fee but, it will be discussed at Planning as to what they might want to do.

Mr. Haywood: Is that at the next Planning Commission meeting.

Council Member Gillock: Next meeting is Tuesday. I don't know if it makes cloture.

President Brown: I don't know if it makes it for tomorrow.

Council Member Gillock: I'll have to check and see.

Mr. Haywood: Tomorrow or Tuesday of next week.

Council Member Gillock: Next week.

(Inaudible)

Council Member Gillock: If we can get it on the agenda for the 24th.

Mr. Haywood: Is there anything else, that I would need to do to prepare for that meeting? Have you had a chance to read that letter.

Council Member Gillock: I've reviewed the letter and tried to call you back. I think you just

need to bring, for each Planning Commission member, the documentation of who was contacted and who wasn't and what the results of the survey were as to those who were interested in being assessed for a sewer on Case Road and the discussion is going to go from there and I hope the Engineer can be there. Basically starting over at square one.

President Brown: I would like to say that, this could be discussed during our recess please. Thank you very much. Anyone else wishing to speak?

4) Bob Miles of 34582 Lorain Road spoke about the ice cream truck, relating to chuck wagons selling things in the City and someone selling out of a pickup truck. Stated that on the corner of Lear Nagle and Lorain they sell flowers, fireworks, nobody stops them. Asked that the City does not discriminate against these ladies.

5) Lawanda Johnson of 34153 Topaz Court stated that she believes, in regard to Two Mom's Ice Cream, the ordinance should be revisited and we should encourage responsible entrepreneurial activity in the City.

6) Donna Tabor of 35319 Downing Avenue spoke about the ice cream ordinance and her four year old didn't know what the ice cream truck was. Asked that this be changed.

7) Nancy Morrell of 5556 Opal Street spoke in favor of Two Mom's Ice Cream and risks of children with riding their bikes on the streets, especially streets with no sidewalks. Stated that she feels all the pizza cars in North Ridgeville create a bigger risk than one ice cream truck.

8) Annie Nolan of 34130 Topaz Court spoke about the ice cream ordinance and that she feels the ordinance was an over reaction to a tragedy that happened a long time ago. Spoke about other tragedies with bicycles, cars, trains and other things and dangers with a child playing with a ball that goes in a street. Spoke about policing speed limits.

President Brown: Anyone else wishing to speak? Now, it's the administrations turn. I will give you one minute to answer.

Mayor Hill: Just real briefly. The assertion was made by Mr. Miles that trucks are out selling beef and we don't stop that and we don't stop them selling flowers, etcetera. Actually, we are enforcing the law. As far as the beef, I know we enforce that because once I called the Police because I saw them on my street and unfortunately for them they came to my door and I kept them there until the police got there. Not stopping the flowers, well, we're enforcing what the ordinance, what the law says and if you find that ordinance you will discover, that with the owners permission of that property they are permitted to sell them and we do now control them by the addition, an amendment, that's better then we did in former years. We now require a

license. Thank you.

President Brown: Thank you Mayor Hill. Anyone else? Mr. Gillock, just a minute.

Council Member Gillock: I would just like to have the issue of the ice cream truck referred to the Safety Committee.

President Brown: That can be done.

Council Member Borocz: Madame President, just one more comment. Society today, while we have advanced in many ways, we have forgotten a few simple things. There are a lot of parents who do work. Children are left unattended and unwatched during the day. You may have an 18 or 19 year old babysitter, but you have ten, 12, 13 year old children, they don't care, they hear music, they see the ice cream truck, they run. I'm not saying this is a bad thing, it would be wonderful to bring it back and bring back the old times and give our kids the same type of memories that we had, but I really think we have to consider the safety issue of all the children in the City.

REFERRED TO SAFETY COMMITTEE.

President Brown: Thank you Mrs. Borocz. Any other administration want to answer the people? None? I'll call for a recess until 25 minutes after eight.

RECESS from 8:19 P.M. to 8:25 P.M.

FIRST READINGS

Council Clerk White:

T 99-2001 AN ORDINANCE APPROVING FINAL PLAN OF DEVELOPMENT AREA,
INCLUDING ACCEPTING THE PLAT OF WATERBURY PCD PHASE I FOR
FINAL APPROVAL AND FOR RECORDING PURPOSES.

First Reading

T 102-2001 AN ORDINANCE ADOPTING AND APPROVING THE BUDGET OF THE
3707-2001 CITY OF NORTH RIDGEVILLE, OHIO FOR THE FISCAL YEAR
BEGINNING JANUARY 1, 2001, AND SUBMITTING THE SAME TO THE
LORAIN COUNTY AUDITOR.

First Reading

motion by Borocz to suspend the By-Laws to dispense with the second and third readings, 2nd by Swindig

President Brown: Any discussion? Please take roll on the dispersion.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero to suspend second and third reading.
motion by Swindig to adopt, 2nd by Borocz

motion by Swindig to add the emergency due to the time deadline of filing with the County, 2nd by Overby

President Brown: Any discussion?

Clerk of Council White: On the emergency.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. Now for the adoption.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. T 102-2001 becomes Ordinance Number 3707-2001 with emergency.

Permanent Ordinance No. 3707-2001

T 106-2001 AN ORDINANCE ACCEPTING FOR RECORDING PURPOSES ONLY THE PLAT OF AVALON SUBDIVISION PHASE I IN THE CITY OF NORTH RIDGEVILLE.

First Reading

SECOND READINGS

T 97-2001 AN ORDINANCE AMENDING ORDINANCES 3489-99, 3483-99, AND 2725-93 BY CHANGING THE ANNUAL BASE PAY OF THE PARKS AND RECREATION PROGRAM DIRECTOR.

Second Reading

THIRD READINGS

T 91-2001 AN ORDINANCE AMENDING SECTION 242.05(B)(1) AND SECTION 3708-2001 242.05(B)(2) OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO BY COMBINING CERTAIN DIVISIONS OF THE SERVICE DEPARTMENT.

Third Reading

motion by Borocz to adopt, 2nd by Swindig

President Brown: Any discussion? Please take roll on the adoption.

Yes,. 7 No, 0

Clerk of Council White: Motion carries seven, zero. T 91-2001 becomes Ordinance Number 3708-2001.

Permanent Ordinance No. 3708-2001

T 92-2001 AN ORDINANCE AMENDING ORDINANCE NO. 2725-93 TO DELETE THE 3709-2001 POSITION OF FULL-TIME SEXTON/MAINTENANCE SUPERVISOR AND TO REPLACE IT WITH MAINTENANCE SUPERVISOR FOR PUBLIC GROUNDS AND CEMETERY.

Third Reading

motion by Borocz to adopt, 2nd by Swindig

President Brown: Discussion? Please take roll.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. T 92-2001 becomes Ordinance Number 3709-2001.

Permanent Ordinance No. 3709-2001

T 93-2001 AN ORDINANCE AMENDING ORDINANCE NO. 3268-97, THEREBY ALSO
3710-2001 AMENDING ORDINANCE NO. 2725-93, TO CHANGE THE DESIGNATION
 OF PARK AND RECREATION DEPARTMENT MAINTENANCE
 SUPERVISOR TO GROUNDS MAINTENANCE MANAGER.

Third Reading

motion by Borocz to adopt, 2nd by Swindig

President Brown: Discussion? Take roll please.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. T 93-2001 becomes Ordinance Number 3710-2001.

Permanent Ordinance No. 3710-2001

T 96-2001 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

Third Reading

motion by Borocz to adopt, 2nd by Swindig

President Brown: Discussion?

Council Member Gillock: Madame President, when this resolution was first presented to Council on June 18th, I requested an itemized statement or billing to support the request to pay Squire, Sanders and Dempsey. A discussion ensued as to what could be provided. According to Mr. Zagrans, the billing statement would probably contain information that is attorney client privileged. I responded, black those parts out. In fact, the Ohio Sunshine Law update that I have states that we should simply redact the portions of the record that are exempt from disclosure; the remainder of the record must be disclosed. Although, as a City Councilman, I believe I am entitled to even see the privileged information, as I believe I am part of the definition of the client. But, as indicated in a follow up e-mail on the following Monday which I sent to the Law Director, all I was requesting is something that says they billed x amount of hours at a certain rate, and the auditor has reviewed and approved. I am not interested at this time, in specific content. The auditor indicated that he felt my request is certainly with merit, but deferred to the Law Director. The Law Director indicated at that meeting he would take a look at the detail invoice and get right back to me if he felt that they could accommodate me. And he also felt that he did not think the request was unreasonable at all. At the July 2nd Council meeting, the issue

came up again. I indicated that I am looking for some support for the total amount of money including how many hours were involved and what type of rates were charged. The Law Director answered that that is perfectly appropriate and that is the kind of information that Mr. Costin has and that I, meaning the Law Director, have and that we can certainly share with Council, without problem. As of today July 16th, I still have not received anything to justify this resolution. I am about to make a formal motion, but I would like to first state that, even if my motion fails, as a Councilman, an elected official of the City of North Ridgeville, I am formally requesting a copy of the client bill in question. Therefore, I would like to make a motion to postpone any further action on this resolution until Council is given a copy of the client bill. Any privileged information can be redacted. We must know the total number of hours billed by Squire, Sanders and Dempsey from November 1, 1998 to May 9, 2001, a period of two and a half years, hourly rates used, and that the bill is entirely connected to the Sanitary Sewer Improvement Notes, Series 2001 A as indicated.

motion by Gillock to postpone until we receive the copy, 2nd by Butkowski

President Brown: Any discussion? Mr. Zagrans?

Law Director Zagrans: Mr. Gillock is entirely correct in what he just said and I have to say that through oversight on my part, I dropped the ball between July 2nd and today and failed to follow up to give him what I said he absolutely was entitled to have. Sorry Dave. It just dropped off my radar screen and therefore I support Mr. Gillock's motion to postpone this until the next meeting because I will provide the information that he properly requested.

President Brown: Now you know, the next meeting isn't until September. Any other discussion?

Council Member Butkowski: Madame President, I would think that every person sitting on Council should have a copy of that.

Law Director Zagrans: Yeah, absolutely. That was the understanding and intent of the discussion we had back on July 2nd.

President Brown: Please take roll.

Clerk of Council White: To postpone.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero to postpone.

UNFINISHED BUSINESS

None

COMMITTEE MEETING ANNOUNCEMENTS

Council Clerk White:

A Public Hearing will be held Tuesday, July 24, 2001 at 5:45 P.M. regarding Waterbury PCD Phase I final approval.

There will be a Special Council meeting Tuesday, July 24, 2001 following the 5:45 P.M. Public

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING JULY 16, 2001**

Page 17

Hearing.

The next Regular Council meeting scheduled is Tuesday, September 4, 2001 at 7:30 P.M.

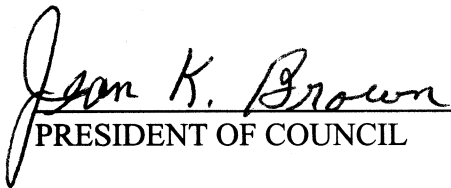
ADJOURNMENT

motion to adjourn by Swindig, 2nd by Borocz
President Brown: Meeting adjourned.

Meeting adjourned at 8:37 P.M.

MOTION Swindig 2ND Borocz VOTE September 4, 2001

YES 6 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL



CLERK OF COUNCIL