

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JULY 3, 2000**

President of Council Jean Brown called the meeting to order at 7:30 P.M. with the Invocation and the Pledge to the Flag.

President Brown: Please take roll call, Mr. White.

ROLL CALL

Present were Council Members: Larry Overby, Allen Swindig, Karen Borocz, Gail Minnick, Bernadine Butkowski, and Jean Brown. Council Member Gail Minnick was absent following the Executive Session at 8:43 P.M.

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.

Council Clerk White: Mr. Gillock is excused. He had back surgery on Thursday and is doing rather well.

MINUTES

President Brown: Please note the Regular Council Minutes of June 19, 2000.

motion by Butkowski to accept, 2nd by Swindig

President Brown: Any discussion? Any corrections? Roll please.

Yes, 6 No, 0

Council Clerk White: Motion carries 6-0.

President Brown: Please note:

Parks & Recreation Commission Minutes of May 24, 2000.

COMMITTEE REPORTS

President Brown: Moving onto the Committee Reports. Buildings and Lands, please.

- 1) BUILDINGS & LANDS COMMITTEE REPORT NO. 7030 We have considered the matter of Meadow Lakes preliminary subdivision approval and recommend that this request be approved and proper legislation be drawn authorizing the above.

Signed: Chairman Larry Overby and Allen C. Swindig
motion by Swindig to accept, 2nd by Overby

President Brown: Discussion?

Council Member Butkowski: Madam President, are there detention basins and green spaces in that, in that development?

Council Clerk White: I don't think he heard the question.

Council Member Butkowski: Are there detention basins and green spaces in that?

Council Member Overby: Yes.

Council Member Butkowski: Okay, then who will maintain them and own them?

Council Member Overby: That I'm not sure.

Council Member Butkowski: Isn't that something we should know before we approve it?

Council Member Overby: This is a Preliminary Approval.

Council Member Butkowski: Well, I'd think, I mean, the City can't be maintaining detention basins and green spaces all over the City. Are they going to have a homeowners' association in that, for management?

Council Member Overby: This is just a preliminary approval and all that will come at the next meeting when they come in for further approval.

Safety-Service Director Johnson: Madam President.

President Brown: Mr. Johnson.

Safety-Service Director Johnson: It's an R-1 Subdivision, cluster subdivision, and the zoning doesn't require a homeowners' association. It doesn't require, by using green space and open spaces, how it became a cluster subdivision, so how it is managed we don't know until he comes in with his final. Thank you.

President Brown: Thank you. Mrs. Minnick.

Council Member Minnick: Has a wetlands study been done yet?

Council Member Swindig: Madam Chairman, this is just for preliminary plotting. The rest will come in when he comes in with the final plot plan, when we can ask for it.

President Brown: Okay, thank you. Vote, Mr. White, please.

Yes, 4 No, 2 (Minnick, Butkowski)

Council Clerk White: Motion carries 4-3 for the Committee Report.

President Brown: 4-2.

Council Clerk White: 4-2. I'm sorry, I can't count today.

Council Member Overby: Madam President.

President Brown: Yes, Mr. Overby.

Council Member Overby: I handed out legislation this evening. I'd like to ask to receive a T number please.

Council Clerk White: 95-2000.

Council Member Overby: Okay, thank you.

- 2) STREETS, SIDEWALKS & BRIDGES COMMITTEE REPORT NO. 7031 We have considered the matter of correcting the spelling of Lear Nagle Road to Lear Nagel Road and recommend that this request be tabled.

Signed: Chairman Karen Borocz, Members Gail Minnick and Bernadine Butkowski

Council Member Borocz: Madam Chairman, the Law Director is going to be conducting research on the impact of the possible spelling change of Lear Nagle Road and once we have his response, then and only then, we as a Council body will make the final decision on this matter.

Council Clerk White: We need a motion to accept and discuss.

motion by Borocz to accept, 2nd by Overby

Council Clerk White: Okay. Now, what you said was okay.

President Brown: Now discussion.

Council Member Borocz: Okay, thank you.

President Brown: Anyone else have anything to say about that? Vote, please.

Yes, 6 No, 0

Council Clerk White: Motion carries 6-0 to table. That's all the Committee Reports that I have.

President Brown: Okay, thank you. Mayor's Report.

MAYORS REPORT

Mayor Hill: Yes, Madam President.

Nomination

I am nominating Al Klinger for a position on the Board of Zoning and Building Appeals. The open position expires on 12-31-2003. Council has received Mr. Klinger's background. Mr. Klinger, if you could stand and they can see who you are. Thank you.

motion by Mayor Hill to appoint Mr. Klinger, 2nd by Swindig

President Brown: Any discussion? Seeing none, vote please.

Yes, 4 No, 1 (Butkowski) Abstain, 1 (Minnick)

Council Clerk White: Motion carries 3-1.

Law Director Zagrans: 4-1-1.

Council Clerk White: Who didn't vote?

Council Member Butkowski: Gillock.

Council Clerk White: There was a no, 4-1-1. Why don't everybody be here? Sorry about that.

T-92 and T-93

Mayor Hill: As a matter of correction, T-92 and T-93 should be resolutions rather than ordinances so they will not have to appear recorded in our new Codified Ordinance book. Also, Mr. Costin is requesting the emergency on these two items.

Fourth of July

A reminder, our Fourth of July celebration will take place tomorrow night beginning with the Community Band at 7:30 P.M. and fireworks at dusk, and usually that's about 9:30 or 9:45.

People in the community have attended in larger numbers every year. Please do try to come. I guarantee you will enjoy yourself.

Estes Express Lines

I was informed today that last Friday, a deal was closed with Estes Express Lines. They will be taking over the facility at Lehman Cartage. They will immediately bring 60 new jobs and following expansion, there will be over 100 new jobs in our community. Better than that, the

current United Van Lines will also be staying at that facility.

Executive Session

I am making a motion to call an executive session to discuss litigation immediately following lobby.

motion by Mayor Hill to call an Executive Session to discuss litigation immediately following Lobby, 2nd by Swindig

President Brown: Any discussion? Roll, please.

Yes, 6 No, 0

Council Clerk White: Motion carries 6-0 to have Executive Session after Lobby.

Electric aggregation

Beginning in January 2001, Ohioans will be able to choose their electric supplier. The deregulation law contains one provision that could be the key to big savings for our residents. Community choice or public aggregation will let local governments shop for electricity on behalf of all residents while allowing any consumer to "opt out", and that means choose not to be a part of the buying group. Community choice translates to lower electric bills because the larger the customer, the greater the savings. We can get bigger by forming buying groups or purchasing pools with other cities, and it's proposed across six counties. Right now, Northeast Ohio residents pay the highest average electric bills in this State. With aggregation, the conservative estimate is a savings of 8% a month on the individual residential bill. In order to take advantage of this opportunity to save every household approximately 8% or more on their monthly electric bill, we must pass the legislation to put the issue on the ballot for a vote by our citizens in November. I heartily and fully support the measure before Council that will allow the issue to go on the ballot for a vote. I would also ask for the emergency tonight so we have adequate time to prepare and present all the necessary paperwork to the Board of Elections before August 24. That concludes my report.

President Brown: Thank you, Mayor. Any questions of the Mayor's Report? I have one thing that I'd like to say, Mayor. Is that getting ready for the November 7 election, the general election?

Mayor Hill: Yes.

President Brown: It will be on the ballot then?

Mayor Hill: Yes.

President Brown: Thank you.

Mayor Hill: And at that time, by the way, prior to the vote, we'll have a lot of opportunities to share further information so that our residents can make a wise choice on this very important issue.

President Brown: Will there be Public Hearings held?

Mayor Hill: I believe that two are required but we'll have to follow along with the Northeast Ohio Mayor's Association who is putting the necessary paper work and procedure together for us

since we are Members.

President Brown: Okay, thank you. No questions? Okay, moving on. Safety-Service Director, Mr. Johnson.

SAFETY SERVICE DIRECTOR'S REPORT

Safety-Service Director Johnson: Madam President, Service Department's Accomplishments for two weeks ending July 2, 2000.

PATCHING, PAVING & CRACK SEALING:

The streets patched with hot asphalt are: Albert, Barres, Case, Debbie, Gail, Gina, Hickory Trail, Miller, Mitchell, Nicole, Oak, Spruce and West Point.

Spot patching was performed on Mildred, Forest Wood and Center Ridge Road.

Concrete pads were dug up and replaced on Ronald and Clark.

Another section of defaulted asphalt has appeared on Bender Road. This section was dug out and repaired.

CONSTRUCTIONS & DITCHING:

Several problems were discovered in French Creek just north of the railroad tracks in the Root Road area. There were large trees down along with several blockages and a general narrowing of the creek in this area. These problems have all been corrected including the widening of the creek by the Dreco Company.

Ditch cleaning and pipe installation was performed at 6906 and 6924 Glendale, Branch, Broad and Cornell.

Storm pipe failures in the O'Henry/Nicole area were due to collapsed and clogged backyard drainage pipes. These problems were corrected.

The Service Department has had requests to address several of the roadside drainage problems in the Broad and Cornell area. These requests are being addressed as fast as time and manpower will allow. There has been some work done on both of these streets with more to follow.

There have been problems on Mills Road west of Route 83. The sides of the ditches are caving in from recent water service line installation in the area. This erosion is causing a safety hazard along the roadway since the ditches are so close to the road. The areas that were reported have been corrected. The chances of future problems in this area are significant.

An old bridge was blocking the creek off of Bagley Road. This bridge was removed.

Erosion problems were handled in the ditch by the power lines between Cornell and Wallace.

WATER BREAKS AND HYDRANT REPAIRS:

There were no water breaks in the last two weeks.

One out-of-service fire hydrant has been replaced at 36261 Chestnut Ridge.

CATCH BASINS:

Catch basins were installed and repaired at 35101 Drake.

MISCELLANEOUS:

The sewer jet was used in the following areas: Sanitary Lines: Bainbridge Road has been cleaned and video taped looking for infiltration spots. Storm Lines: Broad, Behm, Cornell, Downing, south Avon Belden area and the 5025 north Mills Creek area

We are happy and thankful to the Administration and Council for our newly acquired telescopic tractor and mower. One of the first jobs completed was the retention basin in back of Chaucer Drive.

Roadside painting of our fog lines have been completed. In addition, during the week of July 10th, the yellow center lines will be painted. Stop bars, arrows and lane markings will be painted after that.

Landscaping was done at Route 83, Ronald, Laurel Circle and Hickory Trail.

The county will stripe Center Ridge and Avon Belden, possibly this coming week.

Berming took place on Chestnut Ridge between Root and Route 83 and on Center Ridge from Root Road to Pitts.

That concludes my report.

President Brown: Any questions of the Safety Service Director's Report? Seeing none. Okay, moving onto the Engineer. Mr. Lovece.

ENGINEER'S REPORT

Engineer Lovece: Thank you, Madam President. Bainbridge Road reconstruction is picking up a little bit of speed even though they are not working today for the 4 of July weekend. The month of June has been a bad month. They are about a month behind where they should be, due to the weather, not any fault of the contractor. So we're looking at picking up some of that speed and of course it is weather dependent. This week, if things go well, they will start pouring the concrete curb and gutter on the north side of Bainbridge. That's the plan right now.

Drainage. Hersey, Steinbeck, Dickens, Gail area. We've come up with a plan to, and I mentioned this in the last meeting, that Mills Creek is over flowing into French Creek. We've come up with a plan to detour some of the water from Mills Creek, entering French Creek with a berm and when weather permits the Service Department, based on their schedule, will be performing that work shortly. I had mentioned also about a bridge at 6601 south Lear Nagle. The homeowner e-mailed me so he received my letter and we're going to try to work together to see how we can get the bridge removed in a timely manner to get that water flowing. Bagley Road, there was some backup on Bagley Road. As the Service Director mentioned there was a bridge in the creek, That's gone. That's going to help. There was also some deteriorating piping that runs from Bagley back to the Creek south of Bagley. Some of that piping was cleaned but it will have to be replaced. I'll be coming up with some drawings to replace it. I'm going to try to re-route the water. French Creek, as the Service Director mentioned, there's been numerous obstructions removed from where it crosses Chestnut proceeding north to the Ohio Turnpike.

That should help the water flow in that area. It has been backing up a little abnormally high, I would say, and causing a little bit of excess water in the Wildwood Estates area. So with some work that the Service Department did and the developer, we had them do some ditch cleaning, too, in the Wildwood Estates area. That should help. There's been, this is probably our most prone area to getting sanitary sewer backup is along north Lear Nagle, somewhere along Saint Julie's Church. I went out last week and found numerous unkept, and I'll leave these pictures around, unkept sanitary clean outs, where water from the ditches is directly going into the sanitary sewers. I'll give you an example. In this case, this pipe had about two feet of water, in those heavy rains, above the pipe. I did a little bit of number crunching. What that means, you'll get about 55 gallons a minute going into the sanitary sewer. So picture the contents of a 55 gallon drum emptying into a sanitary sewer every minute. What that equates to with the pipe that goes into it, it goes into a ten inch sewer, that equates to 11% of its capacity, just that one connection with some of those rains. And sure enough, in this area, there was some flooding in the basements. We found one, two, three, four, five just in that neighborhood. What I would say to the homeowners is if they are aware of any pipe that is uncapped in their yard or in the front yard and they are not sure what it is, please let us know, either the Engineering Department or the Service Department. If it's a sanitary sewer, chances are water is getting into the sewer from, you know, rain water, and that will certainly over load even the best of sanitary sewers and also increase the risk of flooding in their basements. There were also some concerns about the Cornell area. I wanted to say we found blockages on both sides, on Cornell east and west side. As the Service Director mentioned, the work will continue. The same thing with Broad. One of the homeowners mentioned on Broad about running crossover pipe from one side of the road to the other. I would not recommend it. I can envision not only the east side of Broad at the Council meeting, but both sides. We don't want to shift the water around. If there's a blockage down stream on one side of the road, we'd rather repair that, upgrade it, do whatever it takes, but putting a crossover pipe, that's the very last resort you want to do. That's about it. But the work continues and it's underway and every day the City gets better and better as a matter of fact. Thank you.

President Brown: Thank you. Are there any questions of the Engineer's Report? I'd like to make a comment, Mr. Lovece. If our citizens have drainage pipes in their yards that they have installed, would it be not a good idea for them to get in touch with your department and let you know so that you can put that on the map so that you are aware of where these things are?

Engineer Lovece: Sure.

President Brown: If they have had it done and it would only help us but it would help them, too, with your knowing that knowledge.

Engineer Lovece: I agree.

President Brown: Okay, thank you very much. Any other questions of the Engineer's Report? Okay, moving onto Mr. Chris Costin, our Auditor.

AUDITOR'S REPORT

Auditor Costin: Madam Chairman, no report scheduled for this meeting.

President Brown: Okay. Law Director's Report.

LAW DIRECTOR'S REPORT

Law Director Zagrans: Thank you. I wish to report on two matters. First of all, at the last Council meeting Council voted to approve the City's spending the money to become a part of a study of the water quality in the lower Black River and to appropriate an expenditure of funds to participate in sharing equally the cost of that study with the other three proposed members, the members who the Ohio EPA proposed to cooperate in the study. I want to report to Council that since Council approved that, all parties to the agreement including the City have entered into an agreement, a cooperative agreement for that purpose. That plan is proceeding and any concerns that we may have had that one or more of the other proposed members would not join in the cooperative venture are unfounded because everyone did join in it.

Secondly, T 94-2000 is on as a New Business matter tonight. This is the electric aggregation ordinance that the Mayor talked about in her report. There is a typo in Section 3 that I want to call to Council's attention and ask for someone to vote to make an amendment to correct the typo. In Section 3, first line, "Upon the approval of the majority of the electors voting at the," the next word should be, "general election" rather than "special election". If someone would so move, that concludes my report.

motion by Borocz to correct line one, Section Three, to read, "Upon the approval of the majority of the electors voting at the general election", 2nd by Swindig

Council Clerk White: Okay, that's to correct Section 3, the word "special" to "general".

Law Director Zagrans: Correct.

Council Clerk White: Okay.

Law Director Zagrans: Needs to be a vote on that.

Council Clerk White: Waiting for discussion, then vote.

President Brown: Vote.

Yes, 6 No, 0

Council Clerk White: Motion carries 6-0.

OTHER REPORTS

President Brown: Please note:

North Ridgeville Monthly Local Origination Report for 2000 and
Building Department Report for May of 2000.

Parks and Recreation Commission Liaison Report:

Council Member Overby: Yes, in our May meeting we took some action to ask Council for additional funds for the septic system. I haven't brought that up because of the fact that shortly thereafter I learned of the Forest City project that would bring sewers very close to the Shady

Drive Complex. I contacted a representative of Forest City and asked what the chances would be to get a lateral run over to the park. They said that was in their plan. So I contacted the Park Director and he and I decided rather than have a special meeting to discuss this that we would do a phone poll of the Commission Members. All Commission Members were contacted by the Director or myself, explaining the situation to them and asking them to put this project on hold until we got further information. All Members of the Commission were contacted and there was no negative response from anyone at the time. Now that is being brought to Planning Commission July 11 and at our last meeting, which was a couple of days ago, the Commission again agreed to hold off on this project until we get further information from that meeting. That concludes my report.

President Brown: Okay. Thank you, Mr. Overby. Does anyone have any questions for Mr. Overby? Mrs. Minnick.

Council Member Minnick: Did Forest City say when they would be looking for putting sewers in that area?

Council Member Overby: I'm sure that will come up at the meeting. I didn't get into that depth with them at that time over the telephone.

Council Member Minnick: And was it indicated where the sewer would be going? I'm going to assume this is a rather large development seeing it's going to be a PCD and it will be spread out a long area. Would it be the eastern end that they would start or the western end, do you know that?

Council Member Overby: I just talked to them over the telephone as a Park and Recreation Commission Member and that wasn't up to me to get into that. I was looking for a particular item. They gave me the information I needed and it went from there.

Council Member Minnick: I understand. When I was on the Parks and Recreation Board they were quite concerned about having that in service for this summer.

President Brown: Yes, I understand, and so was Mr. Boose. You were wondering about that, too, and you're on the Commission, Mr. Boose. It meets okay with you? No?

Council Member Overby: He's the only one.

President Brown: Oh, you're the only one that said no? Okay. Well, thank you for the report. Any other questions of Mr. Overby? Okay, moving onto Old Business.

OLD BUSINESS

President Brown: Anyone have any Old Business? Okay, seeing none, New Business Mr. White.

NEW BUSINESS

Request for new D5 liquor permit from Jacqueline A. McNamara, 33109 Center Ridge Road, North Ridgeville

REFER TO BUILDINGS & LANDS

Request for new D5 liquor permit from Give N Get Inc., 38929 Center Ridge Road,
North Ridgeville

REFER TO BUILDINGS & LANDS

Council Clerk White: The T number that we had at 2000 is no longer a T number. It's a Resolution 897-2000, 897.

Law Director Zagrans: Mr. Clerk, that's if it were approved.

Council Clerk White: If it were approved just 897. I'm sorry.

Law Director Zagrans: Right, so it would still have a T number.

Council Clerk White: Yes, it will still have a T number but not until it becomes an Ordinance it will become a Resolution. That's on both 92 and 93. Okay.

T 92-2000 An ordinance to approve the expenditure of funds.

Law Director Zagrans: A resolution to approve the expenditure of funds.

Council Clerk White: A resolution. That's right. We just said that, didn't we. Or you said that and I said that. We'll rephrase it.

T 92-2000 A resolution to approve the expenditure of funds.

President Brown: Okay, sounds good.

motion by Swindig to suspend By-Laws to give T 92 a First Reading tonight, 2nd by
Overby

President Brown: Any discussion. Seeing none, please take the vote.

Yes, 6 No, 0

Council Clerk White: Motion carries 6-0 for T 92 to have First Reading tonight.

T 93-2000 A resolution to approve the expenditure of funds.

motion by Swindig to suspend By-Laws to give T 93 a First Reading tonight, 2nd by
Overby

President Brown: Any discussion? Seeing none, vote please.

Yes, 6 No, 0

Council Clerk White: Motion carries 6-0 for T 93-2000 to receive First Reading tonight.

T 94-2000 An ordinance authorizing all actions necessary to effect a Governmental
Electricity Aggregation Program with Opt-Out provisions pursuant to Section
4928.20, Ohio Revised Code, directing the Lorain County Board of Elections to
submit a ballot question to the Electors.

motion by Swindig to suspend By-Laws to give that a First Reading tonight, 2nd by
Borocz

President Brown: Any discussion? Vote please.

Yes, 6 No, 0

Council Clerk White: Motion carries 6-0 for T 94-2000 to receive First Reading tonight. That's all of the First Readings tonight, or New Business.

President Brown: Okay. Correspondence please.

Council Member Butkowski: Madam President, I have some New Business.

President Brown: I'm recognizing you.

Council Member Butkowski: Okay. I'd like to request that each Council person get a copy of the new developments that are being presented to Planning Commission. They present each one of the Planning Commission Members copies of these new developments. We're going to have a lot of them coming in. There's a lot of questions by the residents. If we each had a copy of those plans that they have to submit, it would be a lot easier to answer a lot of questions of the residents.

President Brown: Someone answer that? Mr. Johnson.

Safety-Service Director Johnson: Basically, you're looking at, they turn in 15 sets of plans and they go to each department head, they go to all the Planning Commission Members. I believe at any time if a Council Person is interested they can either go to the Planning Commission meeting or come and see me and I'll go over the plans with them. I get them 20 days ahead of time. I think it would be highly costly to have that many sets of plans running all over the place until Planning Commission actually meets on it.

Council Member Butkowski: Well, Madam President, that's their cost of doing business and we have, I can't be dragging residents up here on the hours that the office is open. I have people that ask me in the evening and they can't get up here to see these and it's better if you see what's there and to answer the questions. One question leads to another and it would be, that's the developers cost of doing business. He can just make a few more copies of that stuff. It's not like they are all hand drawn or anything. They can run it through a copy machine.

President Brown: Mr. Johnson.

Safety-Service Director Johnson: Yes, we can look into it.

Council Member Butkowski: Okay, thank you.

President Brown: Okay. Thank you. Any other New Business? Correspondence please, Mr. White.

CORRESPONDENCE

- 1) Received a Memo from Mayor Hill on her intent to nominate Al Klinger to the Board of Zoning & Building Appeals.
- 2) Received a memo from Mayor Hill regarding child labor laws.
- 3) Received a letter from Joan Lowry, MediaOne Corporate Affairs Manager, announcing the official closing on June 15, 2000 of the merger between MediaOne and AT&T.

Council Clerk White: That's all the Correspondence that I have.

President Brown: Thank you very much. Now we'll move into Lobby. I will allow you two minutes and you can speak on one subject. I need your name and address, not City.

LOBBY

1. Wilbur Grentzer, 33073 Hidden Hollow Court, asked how Meadow Lakes would impact the future development of the western part of the City and the westerly sewer development.

President Brown: Thank you very much.

2. John MacFarlane, 6250 Wallace, stated facts and history of the Shady Drive Septic System.

John MacFarlane: Are my two minutes up?

President Brown: You're up.

John MacFarlane: Thank you, Mr. MacFarlane.

3. Dennis Boose, 6405 Denise Drive, continued the facts and history of the Shady Drive septic system and stated Council needs to make a decision now on the future of the septic system for the Shady Drive Complex because the Forest City Development will probably take years and years before completing the septic system and suggests 3429-99 be amended to an amount not to exceed \$35,000.00 and finally decide the fate of this issue.

President Brown: Thank you.

4. Gerald Phillips, Avon, 35955 Detroit Road, stated he is here on behalf of a number of taxpayers for the City of North Ridgeville and had filed a taxpayers demand with the Law Director today requesting legal action to impel the Clerk of Council and this City Council to submit the Kingston Place rezoning Ordinance No. 3543-99 to Lorain County Board of Elections and to the electors at the November 7, 2000 general election for their approval or rejection.

President Brown: Your time is up Mr. Phillips.

motion by Minnick to suspend the By-Laws to give Mr. Phillips an equal amount of time that has been given to proponents of the PCD in the past, 2nd by Butkowski

President Brown: Is there any discussion? Take a vote please.

Yes, 2 No, 4 (Overby, Swindig, Borocz, Brown)

Council Clerk White: Motion carries 4-2.

President Brown: Thank you, Mr. Phillips.

Gerald Phillips: I think somebody should change...

President Brown: Thank you, Mr. Phillips.

Gerald Phillips: ...violating a persons first...

President Brown: Thank you, Mr. Phillips.

Gerald Phillips: ...amendment right of the freedom of speech...

President Brown: Would you...

Gerald Phillips: ...and don't be surprised if you get a Section 19 free action some day.

President Brown: Thank you very much. Any more Lobby? Mrs. Brent. Excuse me, Mrs. Brent, we'll need your name and address.

5. Connie Brent, 8659 Harris Drive, thanked Stewart Lovece and his crew for all the hard work they have done on the detention basins and ditch cleaning that has helped with the flooding from all the recent heavy rains.

President Brown: Thank you Mrs. Brent.

6. Nancy Buescher, 36669 Center Ridge Road, stated it took Mr. Scaletta 36 months to get his award-winning PCD through the Avon Planning Commission, which contains 43% open space and no commercial as opposed to 20% open space and 10% commercial in our PCD's.

President Brown: Thank you Mrs. Buescher. Anyone else like to speak? Mr. Boose, are you going to speak on the same thing?

Dennis Boose: Not at all.

President Brown: Thank you.

7. Dennis Boose, 6405 Denise Drive, stated he was astounded by Safety-Service Director Johnson's response to safety concerns at the Shady Drive Complex and asks that the City take responsibility for additional maintenance workers and appropriations that have been denied for the last three years and would greatly help the safety problems.

President Brown: Mr. Boose, would you please make a list for me of the things that you would like to see done at Shady Drive, please, so I can review them.

Dennis Boose: Certainly. I'll give you a copy of the list that already exists.

President Brown: Thank you very much.

Council Member Overby: There hasn't been a list given to the Park Director and it was brought up and discussed at our last meeting and the problems are being addressed.

President Brown: Okay, thank you, but I would like to see the list please. Thank you very much. Anyone else in the Lobby?

8. John MacFarlane, 6250 Wallace, stated they wanted to thank this Council for defending First Amendment Rights of free speech on the eve of Independence Day and that the "no" vote was disgraceful.

President Brown: Thank you Mr. MacFarlane. Anyone else? Okay. Call for a recess.

Law Director Zagrans: Executive Session.

President Brown: Well, Executive Session but Recess, too. Right? Can we do this in 10 minutes?

Mayor Hill: Yes, that would be good. Ten minutes.

Council adjourned to Executive Session at 8:20 P.M.

RECESS from 8:20 P.M. to 8:43 P.M.

Council reconvened from Executive Session at 8:43 P.M.

Council Member Minnick was absent following the Executive Session at 8:43 P.M.

FIRST READINGS

President Brown: First Readings, please, Mr. White.

T 70-2000 AN ORDINANCE VACATING A PORTION OF POPLAR STREET IN THE
 CENTER RIDGE HEIGHTS SUBDIVISION.

First Reading

T 87-2000 AN ORDINANCE AMENDING ORDINANCE NO. 3380-98 AND SECTION
 634.01 (C)(7) OF CHAPTER 634 OF THE CODIFIED ORDINANCES OF THE
 CITY OF NORTH RIDGEVILLE, ENTITLED "NOISE CONTROL".

First Reading

T 89-2000 AN ORDINANCE ACCEPTING FOR RECORDING PURPOSES ONLY THE
 PLAT OF DEERFIELD SUBDIVISION II.

First Reading

T 90-2000 AN ORDINANCE AMENDING ORDINANCE NUMBER 3497-99 BY
3592-2000 INCREASING THE AMOUNT OF THE FRENCH CREEK WASTEWATER
 TREATMENT PLANT EXPANSION FROM \$4,375,000.00 TO \$4,775,000.00.

First Reading

motion by Swindig to suspend By-Laws for Second and Third Readings, 2nd by
Butkowski

President Brown: Any discussion? Roll please.

Yes, 5 No, 0

Council Clerk White: Motion carries 5-0 to suspend Second and Third Readings.

motion by Swindig to adopt, 2nd by Borocz

President Brown: Any discussion on the adoption?

Council Member Swindig: May I address Mr. Costin?

President Brown: Yes you may.

Council Member Swindig: Do we need the emergency?

Auditor Costin: I don't believe we need the emergency.

Council Member Swindig: Okay. Thank you.

President Brown: Just on the adoption. Roll please.

Yes, 5 No, 0

Council Clerk White: Motion carries 5-0. T 90-2000 becomes Ordinance No. 3592-2000.
Permanent Ordinance No. 3592-2000.

T 91-2000 AN ORDINANCE RESCINDING ORDINANCE NO. 3543-2000 REZONING
APPROXIMATELY 200 ACRES SITUATED BETWEEN CASE ROAD AND
STONE RIDGE ROAD BORDERING THE CITY OF AVON FROM R-1
RESIDENCE DISTRICT TO PCD PLANNED COMMUNITY
DEVELOPMENT.

Law Director Zagrans: Madam President.

President Brown: Yes, Mr. Zagrans.

Law Director Zagrans: I suggest to you and the Members of Council that this proposed Ordinance is Out of Order. Council voted on April 17, 2000 by 6-1 vote to rescind the very same ordinance that is the subject of this T bill number seeking to rescind. At about 7:00 P.M. this evening I received a letter from Mr. Phillips that he referred to in his remarks during Lobby Session, asking me to direct or to lead a taxpayers challenge to have the question of the repeal of this Ordinance be placed on the ballot at the November general election. I, since tomorrow is the 4th of July, I expect that I will be responding to Mr. Phillips letter by Wednesday or Thursday of this week. If he's right, I'll tell him he's right and if I'm persuaded by his legal precedents I will be taking up his demand. If I am not persuaded by his legal reasoning, I will so indicate and I will tell him so. Either way, either Council properly voted on April 17 and this proposed ordinance is unnecessary and superfluous or Mr. Phillips' point is correct and it ought to be directed to be placed on the ballot in November. Either way, this ordinance is moot and out of order.

President Brown: As Chairman I am submitting to Council on the question of this Ordinance. Take a vote please.

Law Director Zagrans: On it being Out of Order? Is that the motion?

Yes, 4 No, 1 (Butkowski)

T 92-2000 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

897-2000 First Reading

motion by Swindig to suspend Second and Third Readings, 2nd by Overby

President Brown: Discussion? None? Vote please.

Yes, 5 No, 0

motion by Swindig to adopt, 2nd by Borocz

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President Brown: Discussion on the adoption? Vote please.

Yes, 5 No, 0

Council Clerk White: Motion carries 5-0. T 92-2000 becomes Resolution 897-2000.
Permanent Resolution No. 897-2000

T 93-2000 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

898-2000 First Reading

motion by Swindig to suspend By-Laws to suspend Second and Third Readings,
2nd by Borocz

President Brown: Any discussion? Seeing none.

Yes, 5 No, 0

Council Clerk White: Motion carries 5-0.

motion by Overby to adopt, 2nd by Swindig

President Brown: Discussion on the adoption? Roll please.

Yes, 5 No, 0

Council Clerk White: Motion carries 5-0. T 93-2000 becomes Resolution 898-2000.
Permanent Resolution No. 898-2000

T 94-2000 AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT
3593-2000 A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH
OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20, OHIO REVISED
CODE, DIRECTING THE LORAIN COUNTY BOARD OF ELECTIONS TO
SUBMIT A BALLOT QUESTION TO THE ELECTORS.

First Reading

motion by Swindig to suspend Second and Third Readings, 2nd by Overby

President Brown: Any discussion? Roll please.

Yes, 5 No, 0

Council Clerk White: Motion carries 5-0 to suspend Second and Third Readings.

motion by Swindig to adopt, 2nd by Overby

President Brown: Okay, we'll let Mr. Overby have it.

motion by Swindig to add the emergency, 2nd by Borocz

Council Member Swindig: Due to the August deadline for the Board of Elections.

President Brown: Any discussion? Okay, roll please, on the emergency.

Yes, 5 No, 0

Council Clerk White: Motion carries 5-0. On the adoption.

Yes, 5 No, 0

Council Clerk White: Motion carries 5-0. T 94-2000 becomes Ordinance No. 3593-2000 with
the emergency.

Permanent Ordinance No. 3593-2000.

Council Clerk White: That is all the First Readings that I have.

President Brown: Okay.

SECOND READINGS

T 79-2000 AN ORDINANCE AMENDING SECTION 452.04 OF THE NORTH
RIDGEVILLE CODIFIED ORDINANCES ENTITLED "MANNER OF
PARALLEL AND ANGLE PARKING; HANDICAPPED PERSONS."
Second Reading

Council Clerk White: That's all the Second Readings.

THIRD READINGS

Council Clerk White: I have no Third Readings.

President Brown: Okay, and I don't believe we have any Unfinished Business from the last meeting.

UNFINISHED BUSINESS

COMMITTEE MEETING ANNOUNCEMENTS

President Brown: Committee Meeting Announcements please.

Next Regular Council Meeting Monday, July 17, 2000 at 7:30 P.M.

Public Hearing Monday, July 17, 2000 at 7:20 P.M.

Council Clerk White: Regarding the budget I believe. I don't have it written down here but I'm sure that's what it is. It's to consider the proposed 2000 for 2001 budget.

President Brown: Okay. And that will be at 7:20 here in Council Chambers.

Council Clerk White: That will be at 7:20, here.

Public Hearing Tuesday, September 5, 2000 at 7:20 P.M. on T 70-2000.

Council Clerk White: That's all the meetings that I know of.

President Brown: Okay. Any other Committee Meeting Announcements?

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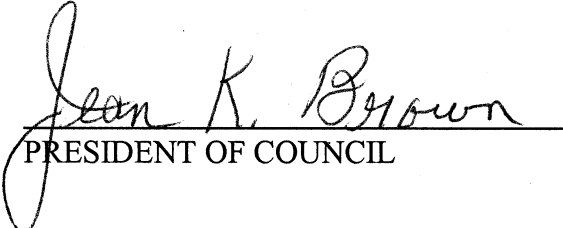
ADJOURNMENT

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

Meeting adjourned at 8:50 P.M.

MOTION Swindig 2ND Overby DATE July 17, 2000
(as corrected July 17, 2000)

YES 5 NO 0 ABSTAIN 2 - Minnick, Gillock



PRESIDENT OF COUNCIL



CLERK OF COUNCIL